TRADITIONAL AND CULTURAL PRACTICES AND THE RIGHTS OF WOMEN: A STUDY OF WIDOWHOOD PRACTICES AMONG THE AKANS IN GHANA

By

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A MINI-DISSertation Submitted in Partial Fulfilment of the Requirements for the Degree of Master of Philosophy (MPhil) in Human Rights, Faculty of Law, University of Fort Hare

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Date of Submission: 2016
ABSTRACT

The study investigates the human rights violations that underlie widowhood practices in Cape Coast and Komenda in the Central Region of Ghana. Review of the relevant literature on widowhood practices suggests that widowhood practices are a global cultural phenomenon, which is not confined to Sub-Sahara Africa. A survey of relevant studies on the phenomenon suggests that there are two competing perceptions on African widowhood practices: (1) a dominant negative perspective and (2) a minor positive perspective. The dominant negative perspective, which receives overwhelming research attention, focuses only on the negative characteristics of widowhood while the minor positive perspective which receives scanty research attention, rejects the criticisms levelled against widowhood practices as being externally influenced by Christianity and Western Feminism.

Various stakeholders within the Akan community were given an opportunity to retell their own versions of widowhood practices. In order to achieve this purpose, the research extracted competing narratives from all the multiple sample subgroups of the proposed study: widows; widow family heads; chiefs; widowhood ritual practitioners; elderly female supervisors of widowhood practices; an official from the Commission for Human Rights and Administrative Justice (CHRAJ); an official from the Ministry of Women and Children Affairs (MOWAC); and an official from the Domestic Violence and Victims Support Unit (DOVVSU) of Ghana.

The study found out that despite legislative intervention and policy frameworks, the practice still persist among the Akan communities in Ghana. The reasons for the continued existence of such rituals are explained followed by recommendations for possible solutions.

Key Words: Akan; Culture; human rights; traditional cultural practice; widow; widower; widowhood.
DECLARATION

I Lucy Afari-Twumasi (200387510) hereby declare that this dissertation is my own work and that it has not been submitted to any institution for a similar degree. I further declare that all sources used or quoted have been duly acknowledged and referenced.

Signature of candidate: ................................ Date ............

Signature of Supervisor: ................................. Date ............
ACKNOWLEDGEMENTS

Firstly, I would like to thank the Almighty God for giving me the knowledge, strength and ability to study.

Very special thanks to my supervisor, Professor N.S. Rembe, for his support and guidance, which has made this research possible and ultimately led to its completion.

I would like to thank my husband Doctor Kwame Afari-Twumasi for his professional assistance in editing my work and my family for their social support throughout my study.

I would also thank all the participants who took their time to participate in this study.

I would like to thank the Lord for giving me such a diligent person, Adebola Dojuwuye, and for her continuous support and encouragement.

Thanks to all my colleagues who contributed by sharing information and material during our studies.
DEDICATION

This work is dedicated to my own mother Margaret Osei-Kuffour who is widowed. I also dedicate it to Akan widows in Ghana and the widows in South Africa. May all widows from other ethnic groups be recognised and treated well with dignity. May their voices be heard for the promotion and protection of their rights and to be free from emotional bondage as this makes them bitter towards life and others. My prayer is that widows be treated with acts of kindness because of what they have endured and the stigma attached to them so that they can lead a dignified life.
# LIST OF ABBREVIATIONS AND ACRONYM

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>AHRAJ</td>
<td>Africa Human Rights Access to Justice</td>
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<td>AU</td>
<td>African Union</td>
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<tr>
<td>CAT</td>
<td>Convention Against Torture (1984)</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women (1931)</td>
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<td>CESCR</td>
<td>Covenant on Economic, Social and Cultural Rights (1966)</td>
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<td>CHRAJ</td>
<td>Commission for Human Rights and Administrative Justice</td>
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<td>DOVVSU</td>
<td>Domestic Violence and Victim Support Unit</td>
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<td>DEVAW</td>
<td>Declaration on the Elimination of Violence against Women (1993)</td>
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<td>GFF</td>
<td>General Fundamental Freedom</td>
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<td>GPS</td>
<td>Ghana Police Service</td>
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<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome</td>
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<td>HRC</td>
<td>Human Rights Committee</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights (1966)</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights (1966)</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>MOWAC</td>
<td>Ministry of Women and Children Affairs</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>OP-CEDAW</td>
<td>Optional Protocol to CEDAW</td>
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<td>Acronym</td>
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<tr>
<td>OP-ICCPR</td>
<td>Optional Protocol to International Convention on Civil and Political Rights</td>
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<tr>
<td>PAIA</td>
<td>Promotion of Access to Information Act</td>
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<tr>
<td>PNDCL</td>
<td>Provisional National Defence Council Law</td>
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<tr>
<td>RCC</td>
<td>Regional Coordination Council</td>
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<td>UDHR</td>
<td>Universal Declaration on Human Rights (1948)</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNICEF</td>
<td>United Nations Children Fund</td>
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<tr>
<td>UNOHCHR</td>
<td>United Nations Office of the High Commissioner for Human Rights</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
</tbody>
</table>
### TABLE OF CONTENTS

*Abstract*  ----------------------------------------------------------------------------------------------------- i

*Declaration*  -------------------------------------------------------------------------------------------------- ii

*Acknowledgement*  -------------------------------------------------------------------------------------------------- iii

*Dedication*  ------------------------------------------------------------------------------------------------------ iv

*List of Acronyms*  -------------------------------------------------------------------------------------------------- v

*Table of Contents*  -------------------------------------------------------------------------------------------------- vii

---

**CHAPTER ONE: OVERVIEW OF THE STUDY**

1.1 Background to the Study  ---------------------------------------------------------------------------------- 1

1.2 Statement of the Problem  -------------------------------------------------------------------------------------------------- 5

1.3 The Purpose of the Study  ---------------------------------------------------------------------------------- 6

1.4 Objectives of the Study  -------------------------------------------------------------------------------------------------- 6

1.5 Research Questions  -------------------------------------------------------------------------------------------------- 7

1.6 Significance of the Study  -------------------------------------------------------------------------------------------------- 7

1.7 Research Design and Methodology  -------------------------------------------------------------------------------------------------- 8

1.8 Ethical Considerations  -------------------------------------------------------------------------------------------------- 8

1.9 Scope and Limitations of the Research  -------------------------------------------------------------------------------------------------- 10

1.10 Conceptual Framework  -------------------------------------------------------------------------------------------------- 10

1.11 Definition of Concepts  -------------------------------------------------------------------------------------------------- 12

1.12 Outline of the Study  -------------------------------------------------------------------------------------------------- 12

1.13 Summary  -------------------------------------------------------------------------------------------------- 13

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**CHAPTER TWO: LITERATURE REVIEW**

2.1 Introduction  -------------------------------------------------------------------------------------------------- 15

2.2 Profile of Widowhood Practices in Africa  -------------------------------------------------------------------------------------------------- 15

2.3 Widowhood Practices in the Ghanaian Context  -------------------------------------------------------------------------------------------------- 16

2.4 The Levirate Marriage  -------------------------------------------------------------------------------------------------- 17

2.5 Benefits derived from African Widowhood Practices  -------------------------------------------------------------------------------------------------- 19

2.5.1 Perceived Positive Benefits of African Widowhood Practices  -------------------------------------------------------------------------------------------------- 19

2.5.2 Perceived Negative Effects of Widowhood Practices  -------------------------------------------------------------------------------------------------- 22

2.6 Protection of Women’s Rights under International and Ghanaian
CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

3.2 Research Paradigm: Interpretative Approach

3.3 Research Design: Narrative Inquiry

3.4 Data Collection Strategies and Data Sources

3.5 Target Population and Sample

3.6 Sampling Strategies

3.7 Research Instruments

3.8 Data Analysis: Content Analysis

CHAPTER FOUR: APPROACHES TO WIDOWHOOD RITES

4.1 Introduction

4.2 The Ghanaian Constitution

4.3 The Constitution and the Rights of Widows

4.4 Legal and Customary Rights of Widows in Ghana

4.5 Tension between Customary Law and Legislation

4.6 The Right to Health

4.7 Property Rights

4.8 Findings

4.9 Conclusion

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

5.1 The Plight of Women under Culture and Tradition

5.2 Recommendations

5.2.1 Measures by the Government and its Institutions

5.2.2 Narratives of Widowhood Practices or Experiences

5.2.3 Education, Training and Awareness raising Campaigns

5.2.4 Traditional and Beneficiary Institutions

5.2.5 Involvement of Civil Society

5.2.6 Stand-Up Women for Women’s Rights
REFERENCES

APPENDICES

Appendix 1:
Map of Ghana

Appendix 2:
Face-to-face Interview schedules

Appendix 3:
Semi-Structured Interview Schedules

Appendix 4:
Face-to-Face Interview Schedules for Institutions

Letter of Consent

Ethical Clearance Certificate
CHAPTER ONE

AN OVERVIEW OF THE STUDY

1.1 Background to the Study

The human rights environment created by widowhood practices, within which many widows are trapped, was highlighted by Chief Moses Abaare Apia IV of the traditional Binaba Council of Northern Ghana. The chief stated that traditional leaders, the fountainheads of Ghanaian cultural treasures, were expected to protect the rights of women. However, as a chief and traditional enforcer of widowhood practices, he admitted that some of the customary norms that nourish widowhood practices “had outlived their usefulness and needed to be adjusted and refined to meet modern requirements” (Robertson, 2010:3).

According to the Chief, these outmoded widowhood customs “included acts such as widows being made to drink the water that was used to wash their dead husbands’ bodies in order to prove their innocence of their deaths” (Robertson, 2010:1). That this widowhood related human rights violation is widespread across Sub-Saharan Africa is confirmed by Owen (2001:10) and Tasie (2013:158), who also reported the horrendous treatment of widows being “forced to drink the water that their husbands’ corpses have been washed in”.

Clearly, widowhood practices that forced widows to drink water that was used to wash the corpses of their departed husbands amounted to not only endangering their physical and mental health but could also be described as the most flagrant infringement of women’s human rights. The Ghanaian widowhood practices literature suggests that the most extreme human rights violations created by widowhood practices appear to be borne by widows who live in Northern Ghana. This argument is supported by the fact that the Ghanaian widows’ 2010 historic march was held in Bolgatanga, the capital of the Upper East Region in Ghana. The following captures the portrait of one of today’s victims of widowhood Witch Camps located in Northern Ghana.

The Witch Camps were run by TINDANAS, traditional cultural leaders mandated by the patriarchal orientated community to sexually cleanse widows accused of witchcraft. The traditional cultural purpose of the Witch Camps was not only to protect the community from any witchcraft but also to protect the accused widows themselves from vigilantes. Currently, the Witch Camps are run by chiefs, who also have the power to sexually cleanse widows accused of being witches. According to Whitaker (2012), the six witch camps located in Northern Ghana actually protect widows and non-widows accused of witchcraft from beating, torture or lynching by radical traditional vigilantes.

The above portrait of the 82-year frail looking victim of harmful widowhood practices in Northern Ghana graphically documents the reality of human rights violations created by widowhood rites in Ghana. In the study - “Gendered Injustice: A comparative Analysis of Witchcraft Beliefs and Witchcraft-Related Beliefs in Ghana and Nepal” - Adinkrah and Adhikari (2014:314-321) powerfully sustain the thesis that “witchcraft-related violence against putative witches is a form of gendered injustice mounted against socially and
economically marginalized groups of innocent victims, most of whom are women - elderly, extremely poor, widowed and unmarried - who are treated as scapegoats for married individuals, families and community misfortunes" (2014:315). The argument advanced by Adinkrah and Adhikari (2014) above illuminates Samata Abdulai’s agonised journey of life.

The current research on African widowhood practices is dominated by studies that focus mainly on the negative effects of widowhood practices on widows and their orphaned children. The studies that adopt a negative stance tend to focus only on the harmful attributes of widowhood practices. The latter range from property grabbing leading to dispossession of widows of their husbands’ properties, denial of basic hygiene, subjection to outlandish costumes and dress code, intense public display of grief, possible accusations of being witches and killers of their husbands, and drinking water used to wash the bodies of the widows’ deceased husbands.

The scale of the harmful impact of widowhood practices on widows and their orphaned children is highlighted by a United Nations document published about fifteen years ago – “Widowhood: Invisible Women, Secluded or Excluded” (UN Women2000, 2001: 1-19). This document clearly revealed that widowhood-related human rights violations against women and orphaned children are not confined only to Sub-Saharan African countries.

The UN document used the real-life narratives of widows - the powerless victims of the patriarchal imposed cruel and harmful widowhood practices - to expose the human rights violations against widows and their orphaned children and the abject poverty and the dehumanising conditions that have trapped African and Asian widows (Cited in UN Women2000, 2001: 1):

- "We are considered bad omens. We are excluded from all auspicious events" (Lakshmi, Rajasthan, India, Aparajita Newsletter, 1995).
- "I am accused of being a witch who killed her husband" (Terezinha, Zambezia Province, Mozambique, 1997).
- "We have no shelter; my children can no longer go to school" (Ishrat, Bangladesh, 1995).
- "We are treated like animals just because we are widows" (Angela, Nigeria, 1999).
- "I and my children were kicked out of the house and beaten by the brothers-in-law" (Seodhi, Malawi, 1994).
- "As soon as my husband died, they took everything away, even the pots, blanket and sacks of maize" (Renana, Gujerat, India, 1995).
- "My husband died of AIDS and slept with many women; I am now dying, but his family blames me for his death" (Isabel, Kenya, 1996).

The above narratives conveyed by the UN Women2000 document are re-affirmed by the widowhood-related flagrant human rights violations perpetrated against Ghanaian widows. The most demeaning account of human rights abuses that undermined women’s rights in the Ghanaian human rights context was reported by Patsy Robertson’s (2010) “Ghana Widows in Historic March” and Kati Whitaker’s (2012) “No Country for Old Women”.

The human rights abuses, which Ghanaian widows have continued to be subjected to across the country - nefarious human rights abuses highlighted by the UN Women 2000 document above - were further documented by Patsy Robertson’s conference paper. Robertson (2010) has achieved her didactic purpose by unravelling the harmful widowhood practices that posed insurmountable challenges to the international and Ghanaian human rights efforts aimed at eliminating all forms of gender-oriented discrimination against women. Robertson (2010) achieved her pro-human rights stance by citing comments made by two important persons during a conference held in Ghana.

The inherent conflict between widowhood related customs and widows’ individual human rights is re-invoked by the first comment from the representative of the Ghanaian Commission on Human Rights and Administrative Justice (CHRAJ). The CHRAJ spokesman declared that: “widows and all women in Ghana had the absolute right to refuse to subject themselves to ‘barbaric and atrocious widowhood rites’”. These “barbaric” acts, according to the CHRAJ representative, included widowhood practices in certain remote areas of the Upper East Region of Ghana where widows are forced to
strip “almost naked in the presence of both males and females and are only allowed to cover themselves with leaves” (Robertson, 2010: 1). Widowhood practices in other areas of Ghana require a widow to cover herself with leaves and to carry on her head a pot containing boiled herbs while an elderly female traditionalist supervisor of widowhood practices pours the concoction over her. “In other cases, widows are made to tie leaves around their waist and walk barefoot from one end of the village to the other end” (Robertson, 2010:2).

Another widowhood practice that is prevalent across Africa is that of levirate marriage. This involves a sibling of the deceased husband remarrying the widow in order to maintain paternity for the widow’s children. But educational attainment, children’s approval, financial independence and religious beliefs of widows in Ghana and the rest of Sub-Saharan Africa tend to determine the acceptance of levirate marriage (Malungo, 2001; Chukwu-Okoronkwo, 2015; Whitaker, 2012). Still, a number of widows condone these practices and seem complacent because any attempt of non-compliance can perhaps claim their lives or that of their children (UN, 2001: 11, 12) or can lead to imprisonment in Witch Camps like the 82-year-old Samata Abdulai of Northern Ghana (Whitaker, 2012). Even in the public sphere, institutions and community norms condone the practices.

How the widowhood practices in existing literature contextualises the clash between international and Ghanaian human rights standards will be the focus of the next section.

1.2 Statement of the Problem
For the past twenty years, researchers have been preoccupied with debates on how to reconcile the conflict between human rights and harmful cultural practices created by widowhood rites (UN, 2001; Sossou, 2002; De Gay Fortman, 2011). Despite massive concerted efforts by numerous international human right instruments aimed at combating all forms of discrimination and harmful traditional practices against women, practices such as widowhood rites have continued to plague widows. A review of the relevant studies on widowhood practices in African countries and the rest of the globe particularly non-European countries will suggest that there is a correlation between
perceived cultural values and widowhood related human rights violations that tend to undermine women’s rights. A similar scenario exists amongst the Akans tribe where the majority of women are largely controlled by their traditional cultural practices that are regulated by patriarchal-defined customs that are determined by men. Like the rest of Ghanaians, Akan communal membership revolves around maintenance of cultural and religious traditions. These traditional practices have been an on-going oppression to the women generation that continually violated their rights. Across these wide-ranging traditions, widows are subjected to patriarchal customary and religious norms, and are forced to endure a multiplicity of widowhood related human rights violations (Korang-Okrah & Haight, 2014; Tei-Ahontu, 2008; Merry, 2003; Iwobi, 2008; Robertson, 2010).

As the studies revealed, in the introduction and background to the study the underlying motivations for widowhood related human rights violations are linked to traditional cultural beliefs. The cultural belief system that nourishes the African cosmology tends to portray the widow as a prime suspect of her spouse’s death and that the widow would therefore need to prove her innocence to the family through these rituals (Korang-Okrah & Haight, 2014; Robertson, 2013; Whitaker, 2012).

1.3 The Purpose of the Study

The aim of the study is to create an inclusive narrative platform that provides a forum for all competing social factors regarding widowhood and human rights. This research is of great importance for creating a platform for widows to voice out their real life experience because there is the need to identify the humiliations which still exist in widowhood practices. Furthermore, the study aims to give women an opportunity to dialogue within their space regarding their wellbeing and thereby improve their life situations.

1.4 Objectives of the Study

The following are objectives of this study:

- To explore and describe stories (narratives) Akan widows tell about how they experience widowhood practices.
• To assess conflicts between Akan widowhood practices and international human rights standards.

• To solicit the extent the Ghanaian human rights standards alleviate widows’ human rights violations created by widowhood practices.

• To recommend possible government/institutional support to the Akan widows created by widowhood practices.

1.5 Research Questions
The study aims to answer the following research questions:

• What stories (narratives) do Akan widows tell about their experiences of widowhood practices?

• How do Akan widowhood practices conflict with international human rights standards?

• To what extent have the Ghanaian human rights standards alleviated Akan widows’ human rights violations created by widowhood practices?

• What sources of support do Akan widows draw upon to meet the challenges of widowhood practices?

1.6 Significance of the Study
The study’s holistic narrative approach that encompasses the competing voices of all the social factors involved in Akan widowhood practices will produce findings that are multidimensional. The findings of this study unravelled hidden and deep insights focused only on the negative perceptions of the widowhood phenomenon which then will benefit the Akan widows in the Ghanaian population. The multiple-voiced approach generating competing versions of the phenomena through different lenses of the participants – the widowhood rites victims (the widows) versus the powerful authoritative cultural actors who impose the harmful customs on the victims (widow family heads, chiefs, the cultural custodians, the widowhood ritual practitioners, the elderly female supervisor of widows etc) – is more like to add a new and nuanced perspective to the existing scholarship.
1.7 Research Design and Methodology

The research methodology was planned in such a way that data was collected from Chiefs, widow family heads, widowhood ritual practitioners, female supervisors of widowhood practices and widows. The study used multiple qualitative data sources focused on narrative datasets.

White (2005) observes that research methodological issues include the following: (1) an explanation of the research paradigm, (2) a description of the research design, (3) the participants (population and sample), (4) data collection techniques, and (5) data analysis methods. Research methodology also refers to the choices researchers make about the phenomenon to study, methods of data gathering, and forms of data analysis in planning and executing a research study (Silverman, 2010). Research methodology may also be described as the study, the description, the explanation, and the justification of methods, and not the methods themselves (Kaplan, 2008; Bryman & Bell, 2011). According to Kaplan (2008), the aim of methodology is to describe and analyze methods by throwing light on their limitations and resources, clarifying their presuppositions and consequences in order to help researchers to understand not the products of scientific inquiry, but the process itself.

1.8 Ethical Considerations

McMillan and Schumacher (2010a; 2010b) define research ethics as issues, which are considered to deal with beliefs about what is right or wrong, proper or improper, good or bad. Research participants have the right to privacy, sharing or withholding information about their behaviour, attitudes or opinions. Leedy and Ormrod (2013) observe that most ethical issues in research fall into one of four categories namely: protection from harm, informed consent, right to privacy and honesty with professional colleagues. In this study, the following ethical issues will be adhered to:

- Permission;
- Consent forms;
- Anonymity;
- Confidentiality;
- Protection from harm;
- Honesty with professional colleagues; and,
- Voluntary Participation.

Research participants were informed of their right to privacy, sharing or withholding information about their behaviour, attitudes or opinions. Leedy and Ormrod (2013) observe that most ethical issues in research fall into one of four categories namely: protection from harm, informed consent, right to privacy and honesty with professional colleagues. This study adheres to the following ethical issues:

**Permission:** Letters requesting permission to conduct research were written and sent to the relevant authorities.

**Consent:** Consent involves the procedure by which an individual may choose whether or not to participate in study (Best & Kahn, 2006). Participants in this study completed the questionnaire and understood the purpose and methods used. They were made to understand that anyone of them had the right to withdraw from the study at any time if and when he or she feels threatened. I also requested their consent to participate in the study.

**Anonymity:** The participants were assured that their identities were not going to be disclosed to anyone. Instead of their names/identities being used their responses to questions were categorized as participants 1, 2, 3 or participants a, b, c, (use of pseudonyms). This procedure was also be used during the data analysis stage.

**Confidentiality:** All the participants were informed that all their responses were treated with confidentiality. Participants were also informed that no one will have access to their responses or access to any information concerning their responses for any purposes. As the researcher, I ensured that all personal identities of participants are kept confidentially by eliminating all individual features that may lead to direct identification of their personal identifies.
Protection from harm: The study ensured that the participants are not exposed to any undue physical or psychological harm. The participants were not to be subjected to any unusual stress, embarrassment or loss of self-esteem. Every participant’s right to privacy was respected.

Honesty: The findings were prescribed in a complete and honest fashion, without misrepresenting what participants have done or intentionally misleading others about the nature of the findings.

Voluntary participation: All the participants signed consent forms agreeing to participate in the study voluntarily. In addition to their voluntary participation, the participants were made to understand that they could withdraw from participating in the research at any time they wanted to do so.

1.9 Scope and Limitations of the Study
The study investigated Traditional and Cultural Practices which Violate the Rights of Women. This makes it complex because it embodies different thematic issues with different ethnic, cultural and regional dimensions. Though there are similarities within widowhood practices across Sub-Saharan Africa, the literature suggests that there are cultural dynamics in widowhood practices not only across regional boundaries but also across ethnic boundaries within each African country. Hence, the scope of the study is being specifically confined to widowhood practices in Komenda and Cape Coast in the Central Region of Ghana and primary data collection was restricted to these sites in Central Region of Ghana. The study is qualitative in nature and therefore cannot be generalised due to the sample size.

1.10 Conceptual Framework
The study will use a hybrid conceptual framework that blends the philosophical roots and influences of knowledge creation. This conceptual framework will provide conceptual hub for the narrative design the researcher intends to use. The philosophical roots and influences of narrative knowledge creation are:

- Postmodernism;
• Social constructionist; and
• Constructivism.

Kim Etherington (2013:11) provides a graphic description of postmodernism as follows:

Postmodernism calls for an ideological critique of foundational knowledge and privileged discourses ('grand narratives'); Questions notions of ‘Truth’, certainty, and objective reality to examines assumptions; views knowledge and language as relational and generative – contrasting with Western ideas of the individual as an ‘autonomous knower’ who can create or discover knowledge that can be passed on to others. In sharp contrast with the Western individualistic oriented notion of know-it-all-attitude to knowledge creation projected by postmodernism above, “social constructionist views knowledge and knower as interdependent and embedded within history, context, culture, language, experience, and understandings.

This inclusive communal orientated stance towards knowledge creation – the communal and holistic approach to knowledge creation adopted by the current study “dispenses with the notion of ‘absolute Truth’” and takes “a pluralist position, which advocates critical reflection on our truths” (Etherington, 2013:12).

The above inclusive communal approach to narrative knowledge creation is further defended by the social constructionist framework which also “values local knowledge constructed between people who actively engage in its development - participatory or relational knowing” (Etherington, 2013:5). This kind of narrative focused knowledge has relevance for the participants in multiple Akan widowhood practices – widows; widow family heads; chiefs; widowhood ritual performers and the female expert informants – as well as the current widowhood practices researcher - a holistic and inclusive narrative approach that can be transforming.

The third pillar of the hybrid conceptual framework is constructivism. This concept is often used interchangeably with social constructionist but they differ. According to Etherington (2013: 13), constructivism is based on the idea that “reality is a product of
one’s own creation; each individual sees and interprets the world and their experiences through personal belief systems”. The relevance of the narrative-oriented conceptual framework outlined above will be conveyed by the narrative research design described in 3.3 below.

1.11 Definition of Concepts

**Traditional practices**: Acts that are part of the beliefs, customs or way of life of a particular group of people that have not changed for a long time.

**Culture**: Way of life and social organisation of a particular country or group that is held dearly.

**Human Rights**: The entitlements that everyone has by virtue of being a human being which can be held and claimed against the government in the event of a violation.

**Widow**: A widow is a woman who has lost her husband by death and remains unmarried. **Widowhood is therefore the state** of being a widow.

**Widowhood Practices**: An act or ritual performed for a bereaved woman.

1.12 Outline of the Study

This mini dissertation is organised around five chapters:

1. Chapter One provides an overview of the study in order to have a better understanding of the culture and traditions of the population sample, particularly the mourning rites of the Akan people. It also provides a statement of the problem, the objectives and rationale for the study, and definition of concepts.

In Chapter Two the literature is reviewed. Widowhood practice among the Akan is highlighted with comparison drawn from other African cultures. The extent to which such practices conform to or violate human rights and basic tenets of human civility is also highlighted.
Chapter 3 uses multiple qualitative data sources focused on narrative datasets, that is, the qualitative/interpretative paradigm. The multiple-participant-orientated research design aimed at giving widows, widow’s family heads, chiefs, widowhood ritual practitioners and expert key informants not only to tell their own version of widowhood practices but also to interact with and engage, in multiple-voiced dialogue with the researcher.

Chapter Four presents an analysis and discussion of the findings of the study and how to set women economically and to set women free from oppression. It also discusses their rights under the Ghanaian Constitution, legislation and customary laws and how widows suffer abuses of their right to own, inherit, manage and dispose of property. From the study, women within the Akan lineage may inherit property only through men.

Chapter 5 discusses the plight of women under culture and tradition, followed by a conclusion and recommendation flowing from the study. The questionnaires used in the study are included in the appendices after the Bibliography.

1.13 Summary

This African widowhood profile is clearly portrayed by studies of widowhood practices that focused on Central Region of Ghana in West Africa. The Akan cosmologies were given an opportunity to retell their own versions of widowhood practices. The competing narratives from all the multiple sample subgroups of participants which are the widow family heads, chiefs, widowhood ritual practitioners, the widows, elderly female supervisors of widowhood practices, an official from the Commission for Human Rights and Administrative Justice (CHRAJ), an official from Ministry of Women and Children Affairs (MOWAC) and official from the Domestic Violence and Victims Support Unit (DOVVSU) of Ghana were consulted. To achieve this purpose of investigating, the human rights infringement created by widowhood practices is reviewed. The fundamental Human Rights of all Ghanaians including women’s right are enshrined and protected by the Constitution of the Republic of Ghana. Some of the major human rights
provisions, which the Constitution of Ghana incorporated in order to protect women’s rights and redress widowhood practices that violate human rights, include Cultural Rights and Property Rights.
CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction
This literature review section aims firstly, to provide a general profile of African widowhood practices by highlighting their similarities across different African cultures and African regional similarities. Secondly, it discusses the perceived benefits of widowhood practices and the perceived negative effects of widowhood practices and their impact on human rights standards. Thirdly, it strives to highlight the inherent conflict between the widowhood related human rights violations within the international human rights framework in general, and in the Ghanaian human rights context in particular. World Widow Report 2015 provides that 38 million widows live in extreme poverty where basic needs are unmet. Widows and their dependants face everyday discrimination and injustice. They face impoverishment, marginalisation and shocking abuse which has made widowhood a key human and developmental challenge.

2.2 Profile of Widowhood Practices in Africa
Though African cultures are diverse, there are many commonalities with regard to widowhood practices. This general African widowhood profile is clearly portrayed by widowhood practice studies that focused on Central Africa (Lomba, 2014; Malungo, 2001); East Africa (Ambasa-Shisanya, 2007; Gunga, 2009; Limann, 2003); West Africa (Afolayan, 2011; Arts, 2010; Korang-Okrah & Haight, 2014); and Southern Africa (Kotzé, Lishje & Rajuili-Masilo, 2012; Manyedi, Koen & Greeff, 2003; Ramphele, 1996).

For example, in the Southern African context, Kotzé, Lishje and Rajuili-Masilo (2012:744) have point out that the widows interviewed in their study came from diverse cultural backgrounds. In spite of the widow participants' “different cultural affiliations, the women’s experiences of mourning practices in their communities share a number of similarities”. This finding was also echoed by Nowye’s study (2005). Manyedi, Koen and Greeff (2003) have also indicated that their findings were confirmed by other authors such as Pauw (1990) and Owen (1998), who worked in different African contexts. A
review of widowhood studies across Sub-Saharan African countries confirms the ongoing argument that widowhood practices across the Sub-Saharan African countries reveal inherent cultural commonalities.

2.3 Widowhood practice in the Ghanaian Context
The most detailed description of widowhood practices in the Ghanaian context is presented by Tei-Ahontu (2008). The literature reviewed suggests that the most important widowhood ritual practice appears to be wearing black clothes (Korang-Okrah & Haight, 2014; Korang-Okrah, 2011; Robertson, 2010; Whitaker, 2012). This widowhood practice was echoed by Tei-Ahontu (2008), who states that Ga widows are expected to wear black clothes for one year. Tei-Ahontu (2008:1) further reveals that a widow who is not clad in black “becomes the subject of discussion, with people beginning to question her innocence in the death no matter the cause of death”. The second Ga widowhood practice deals with denying the widow the right to go to the morgue with other family members to collect her dead husband’s body for burial. When a Ga widow demanded an explanation as to why she is not allowed to go to the funeral parlour to collect her husband’s body for burial she is told that women are not allowed to go to the morgue because they cannot control themselves from crying once they see the bodies of their dead husbands.

The most horrible and the most cited widowhood practice across Sub-Saharan Africa, however, is forcing widows to drink the water used to wash the corpses of their departed husbands (Korang-Okrah & Haight, 2014; Korang-Okrah, 2011; UN Women2000, 2001). Tei-Ahontu (2008) filtered this nauseating widowhood practice through the lenses of the Ga woman’s real life experience as follows: “To my dismay, I was asked to drink a portion of the water which was used in washing the corpse (Authors Field Survey [AFS] - 2007)”. The dehumanised and horrified widow “explained that easily drinking the dirty water from the corpse was a sign that showed that she really loved the man while he was alive and that she had no hand or had not conspired to kill him” (Tei-Ahontu, 2008:2).
Tei-Ahontu’s (2008:2) presents another widowhood practice where a widow participant had to perform to demonstrate her love and innocence. She stated:

There was another practice I had to go through to show my love and innocence in the death of my late husband. I was made to stay overnight with the corpse in a room all alone. The terror and the attendant psychological effect that this widowhood practice can exert on widows are never considered by traditional leaders who impose these harmful and dreadful cultural practices on widows.

The next widowhood practice tends to be imposed after the burial and lasts normally for one year. During this year-long confinement after the burial, the widow is allowed to go out only once a day at dawn (at 3 am, to have a bath) and she is allowed to eat only once a day. To ensure that these widowhood ritual rules are observed, an elderly traditionalist woman is appointed to monitor and supervise the widow during the 12-month confinement. The elderly woman supervisor is responsible for the widow’s food and any other things she may need and also to monitor her ritual bath at dawn. During the 12-month after-burial confinement the widow must abstain from sexual relationships and observe total sexual abstinence. After the one-year anniversary of the passing of her husband is commemorated, the widow now has the freedom to resume her normal life and can wear any clothes that catches her fancy, do whatever she wants and also re-marry if she wants to do so (Tei-Ahontu, 2008).

2.4 The Levirate Marriage
A levirate marriage is literally a “marriage with a brother-in-law.” It comes from a Latin word *levir*, “a husband’s brother.” In ancient times, if a man died without a child, it was common for the man’s unmarried brother to marry the widow in order to provide an heir for the deceased. A widow would marry a brother-in-law, and the first son produced in that union was considered the legal descendant of her dead husband. We see a couple of examples in the Bible of levirate marriage. The first is the story of Tamar and Onan in Genesis, Chapter 38. Tamar had been married to Er, a son of Judah. Er died, leaving Tamar childless (Genesis 38:6-7). Judah’s solution was to follow the standard procedure of levirate marriage. Onan was more than willing to sleep with Tamar, but
unfortunately, he had no desire to have a child with her. God called Onan’s action “wicked” and killed him.

Levirate marriage became part of the Law in Deuteronomy 25:5-6. There, the Israelites are commanded to care for women whose husbands died before they had children. An unmarried brother of the deceased man bore a responsibility to marry his sister-in-law. God called it “the duty of a brother-in-law” (Deuteronomy 25:5). In ancient Israel the passing on of the family name and the inheritances within a tribe were vitally important (Numbers 36:7 and 1 Kings 21:3).

Another example of levirate marriage in the Bible is the story of Ruth and Boaz. Ruth’s first husband died without leaving a child (Ruth 1:1-5). Later Ruth met a rich landowner named Boaz in Bethlehem, and he happened to be a relative of Ruth’s late husband (Ruth 2:20). As it turned out, the nearer relative officially transferred his right of redemption to Boaz, clearing the way for Boaz to marry Ruth and “maintain the name of the dead with his property (Ruth 4:5). In Matthew 22 Jesus confronted the Sadducees with a question based on the Law’s requirement of levirate marriage.

Levirate marriage has fallen out of favour in modern Judaism and is more or less an extinct practice today. But its existence among the ancient Israelites, even before the Law of Moses, shows the importance placed on continuing the family line and preserving one’s divinely appointed inheritance. Widows and orphan’s rights are upheld in the Bible. Whenever God threatens punishment, there is but always qualification of “grace” and “mercy” for widows (Proverb 15:25).

The Ghanaian views on widowhood practices outlined above are summarised by Rose Korang-Okrah’s (2012) doctoral thesis entitled “Widowhood & Resilience: Akan Widows Experience of Challenges & Survival”. According to Korang-Okrah’s (2012) - the Ghanaian profile of widowhood practices - although these rites vary across the country, tend to consist of the following widowhood ritual ceremonies: (1) public crying/wailing for 15 days; (2) reducing meals to once a day; (3) cold water bathing three times a day; (4)
sleeping on a mat instead of a mattress for 40 days; (5) dressing in black, and avoiding suitors for at least a year.

2.5 Benefits Derives From African Widowhood Practices
The section below interrogates the question: *Do widows derive any benefits from widowhood practices?*

2.5.1 Perceived Positive Benefits from widowhood practice
This section will examine literary evidence of any real or generally perceived benefits of African widowhood rites and practices for widows and their families. In their study -- “Ghanaian (Akan) Women’s Experiences of Widowhood and Property Rights Violations An Ethnographic Inquiry” – Korang-Okrah and Haight (2014: 1-18) underscored the fact although

…widowhood rites may reflect and further perpetuate women’s lower status relative to men; undermining their entitlements including property … women typically are cared for by other widows from their husbands’ families during the rites.

Another perceived positive effect of Akan widowhood rites ceremonies is that they are “considered rites-of-passage and performed for the woman’s purification, protection, and healing” (Korang-Okrah & Haight, 2014:4-5).

Consolidating the positive purposes of widowhood practices - the rites-of-passage attribute - Aborampah (1999) observes that from the moment of birth (coming from the ancestors) through death (a journey back to the ancestors), the Akan passes through various rites-of-passage which bind them culturally and spiritually to other members in the lineage. The above widowhood rites debate presents both the positive and the negative aspects of widowhood practices. Based upon the above two-pronged positioning of the widowhood debate, it can be argued that positive widowhood rites may be experienced by women as supportive cultural system, which connects them to others, or as a negative, oppressive, patriarchal ploy, which reinforces their lower status and power.
The positive widowhood rites attribute - cultural healing - which is cited above in the Ghanaian studies by Aborampah (1999), Korang-Okrah and Haight (2014), and Tei-Ahontu (2008), is also repeated in the South African widowhood practices literature. For example, Makatu, Wagner and Ruane (2008:573) stated that one of the purposes of widowhood practices is to help the widows to heal. The authors convey this view in their own words as follows:

Since death has a negative impact on the remaining persons’ lives, rituals are considered to have therapeutic value that assists the griever in moving on with her life.

Healing as a positive outcome of African widowhood practices is also confirmed by Nowye (2005). Nowye (2005:248) further provides the following definition of African grief cultural pattern, which does not only re-affirm the healing ability of traditional African widowhood practices but also does locate it within the African cultural cosmology. Nowye (2005) conveys his definition of African grief work as follows:

African grief work can be defined as the patterned ways invented in traditional communities for the successful healing of the psychological wounds and pain of bereaved persons. It is a healing system grounded in ‘ecologically sound rituals and ceremonies that facilitate experiential healing’ (Sisoda 1997). Its target clients are any members of the community burdened by painful loss of a loved one (Nowye, 2005:148).

Besides the healing benefit underscored by researchers, another benefit reported to accrue from widowhood practices is that some widowhood rites are said to be aimed at removing the bad luck or misfortune or senyama, which is said to surround the widow and make people discriminate against her or fear her (Manala, 2015). Other men fear to marry a woman who has lost her husband. The argument that African widowhood practices have positive values is also advanced by Tasie (2013). Tasie (2013:156) presents his view on the positive attributes of widowhood practices as follows: Widowhood rites in Africa were not primarily designed to de-womanise African womanhood, or impoverish and oppress women; nor are they part of the so-called male chauvinism. Rather... widowhood rites are generally intended for the
Tasie (2013) further reinforces his positioning on the positive effects of widowhood practices among his Isiokpo tribe by highlighting two main purposes of African widowhood practices:

First, is to sever the ties between a dead husband and his living wife. For, the Isiokpo believe that at the immediate aftermath of death, the ghost spirit lurk (sic) around the homestead to haunt the living and to continue to perform his duties to his living relations.

Second, some aspects of the rituals are aimed at equipping the widow with the necessary courage and bravery to cope with the life of self-reliance which the death of the bread winner has exposed her to (Tasie, 2013:160).

Manala (2015:4) rejected Tasie’s above pro-widowhood practices, arguing that “these rites were conceived and applied in accordance with the whims of and to the benefit of patriarchy”. That Africa’s inherent patriarchal culture feeds the continuous prevalence of harmful widowhood practices and their attendant human rights violation is re-affirmed by Gichaara (2008:192), who claims that this system works as follows:

Gender does not distribute power equally between men and women. Men are constructed as public speakers, thinkers, decision makers and property owners. Women are constructed primarily as domestic beings, which belong to the home or in the kitchen.

Another perceived positive effect of widowhood practices cited in the literature relates to the controversial widowhood rites of levirate marriage. Kotzé, Lishje and Rajuili-Masilo (2012:759) have argued that whilst there is some evidence of therapeutic value of widowhood rites as demonstrated in the above analysis, the problem with many of these property grabbing and sexual cleansing rites, which are associated with widowhood levirate marriages, is that they amount to gross violations of the widows’ human rights. Owing to negative connotations of the levirate marriages and associated sexual cleansing of widows, these cruel and harmful widowhood customs are further discussed below.
**2.5.2 Perceived Negative Aspects of Widowhood Practices**

This section will discuss the perceived negative effects of widowhood practices. Akan men do not observe widowhood rites following the deaths of their wives. However, Akan women who resist observing the widowhood rites may experience social ostracism and coercion from their husbands’ families. “For example, a woman’s in-laws may threaten that his ‘saman’ (ghost) will come back to haunt her if she does not perform the rites to honour him”. The ghost threat is more common in the rural, non-Christian areas (Korang-Okrah & Haight, 2014:5).

The first widowhood negative effect is the sexual cleansing or levirate marriage custom, which is embedded in the widowhood custom that forces widows to live in the in-laws’ homes in some African cultures. In the Kenyan context, “the reasons proffered for the widow’s forced residence in the in-laws’ home” are conveyed by Potash (1986:45; and also Owen, 2001:8) as follows:

Several factors, which influence this decision, especially tie to children, who must remain in their fathers’ communities, and the fact that Luo widows have no rights to return to their native home. Parents or brothers may refuse to shelter a separated widow.

Furthermore, research by (Baloyi, 2013; Nkhwashu, 2012; Potash, 1986; Tei-Ahontu, 2008;) suggests that although the motives for forcing the widow to remain at her husband’s home may be varied, in some instances, it is greed and materialism that cause the in-laws to demand that the widow remains in her in-laws’ home and marries her late husband’s brother. Re-affirming the above interpretation within the Southern African context, Baloyi (2013) asserts that such demands are most likely motivated by greed, especially when the in-laws’ wish to keep their deceased son or relative’s wealth in the home. The issue of greed being the driving motive behind levirate marriages and associated sexual cleansing customs is powerfully documented by Southern African real life widowhood rite story in an article by Nkhwashu (2012) titled “Culture Shock for Rich Widow.” Owing to extreme relevance of the South African widowhood story, the empirical evidence reported by the story is summarised in full below:
The widow hero of this story is Reneilwe. The widow protagonist is forced to hide “after sex [with her brother-in-law] and [followed by] marriage demands by [her late husband’s] family”. Reneilwe received R3.7 million compensation \textit{in lieu of} her husband’s accidental death at work. She also inherited a R2.5 million penthouse in Secunda and a house worth R400 000.00 in Giyani. Her in-laws forced her to have sexual relationship with her late husband’s younger brother, and she reluctantly did have sex with the brother-in-law. But when they asked her to marry her husband’s younger brother, she refused. The widow’s in-laws then lined up nine men from the family, dressed smartly in suits, for the widow to choose from. Realising how serious the matter was, she went into hiding. The widow’s in-laws swore that she would not be allowed to re-marry another man with their son’s millions. They then brought two children that they said were her late husband’s – in fact the widow refuted as her husband had never told her about them. The family have four children, two of their own and two adopted. Paternity tests are in the process of being carried out Nkhwashu (2012:1–2).

The “Culture Shock for Rich Widow” story has clearly exposed the extent to which some traditional African families are willing go in order to obtain a share, if not everything from the estate of their deceased relatives. Manala (2015) argues that because of the Reveille’s assertiveness and proactive steps, her in-laws were not able to disinherit her without engaging in a legal process. The literature revived, however, suggests that it is common knowledge that some widows’ properties have been confiscated by their deceased husbands’ families (Manala, 2015; Robertson, 2010; UN Women2000, 2001).

The question that needs to be confronted is: What would be the purpose of having this rich widow marry her deceased husband’s brother whom she does not love? Some of the known reasons behind widowhood related to levirate marriages are:

- to have the dead husband’s brother save the widow from poverty;
- to continue his late brother’s family on behalf of his late brother; and
- to ensure that the dead brother’s properties are not enjoyed by a non-family member married to the window.
But since this widow is in no danger of poverty, and the family already has four children - two of their own and two adopted - it could be speculated that greed is probably the dominant motive in this case. The pervasiveness of widowhood wasteland, which completely silences the majority of the widowhood victims, triggers Sossou’s (2002:201–209) memorable description of widows as “silent victims”. Nkhwashu’s (2012) widowhood story and research on widowhood seem to suggest that restrictive and oppressive environments associated with widowhood practices might be responsible for widows’ submission to levirate marriages and immoral sexual cleansing of widows by their brothers-in-law.

One of the most dehumanising negative effects of widowhood practices, which amount to the most flagrant violation of women’s rights, involves widow sexual cleansing customs. These dangerous widowhood customs allow widows’ dead husbands’ brothers or traditionalist professional widow cleansers to have ritual sexual intercourse with widows in an age ravaged by HIV/AIDS. The findings of Pauw’s (1990) study, which were confirmed by other researchers in other African contexts, revealed that the majority of widowhood rites are meant to cleanse widows of perceived defilements related to the death of their husbands and to neutralise and/or counter the effects of ritual dangers embedded in widowhood. The use of herbs aimed at neutralising the possible effects of ritual danger associated with deaths, and the cutting off widows’ hair together with other family members - aspects of widowhood rituals practised across Sub-Saharan Africa - are performed to ensure that widows together with their family members do not constitute a ritual danger to the community (Korang-Okrah & Haight, 2014; Pauw, 1990).

Other widowhood customs, which violate the widows’ individual rights, include what clothes to wear and freedom of movement in the community (Pauw, 1990; Robertson, 2010). All African widows wear black dresses and black head clothes. In many contemporary African villages across Sub-Saharan Africa, the widow is “required to wear black clothes … and behave in a manner that shows that she is grieving” (Kotzé, Lishje & Rajulji-Masilo, 2012:754). All across Sub-Saharan Africa, particularly in the traditional environments, widows are prohibited from leaving their homes. According to
Rosenblatt and Nkosi (2007), the purpose of these restrictions is to protect the widow against suspicions of witchcraft.

In the Ghanaian widowhood related witchcraft narrative, the 82-year-old Samata Abdulai, who was accused of witchcraft, had to flee to one of the six Witch Camps built by traditional leaders 100 years ago in Northern Ghana in order to save herself from either death or beating, torture or lynching by radical traditionalist vigilantes (Robertson, 2010; Whitaker, 2012). The tendency to blame widows for any communal adversaries is documented and located in the Southern African context by Rosenblatt and Nkosi (2007:78). The authors describe the tendency to blame the widow for every negative occurrence as follows: “For the widow in inzila [mourning], a danger is that if something happens to someone in the community, for example, if a child dies, she might be blamed”. The nagging question is: What are the benefits and disadvantages of African traditional widowhood rites? This question has already been interrogated in Section 2.5 above.

2.6 Protection of Women’s Rights under International and Ghanaian Law
The Section below addresses the twin issues of international human rights law provisions created to combat women’s human rights violations at the international level and human rights law provisions created by Ghana to address human rights violations triggered by the country’s widowhood practices.

2.6.1 An Overview
The negative effects of widowhood practices, which were discussed in Section 2.5.2 above, exposed the human rights violations of widows in Ghana. This section strives to underscore women’s rights in the context of the inherent conflict between international human rights law and Ghana’s human rights institutions’ efforts aimed at combating human rights infringements created by widowhood rites. The first purpose is to identify the major international human rights instruments designed to protect women’s rights and to isolate the most relevant of these instruments for in-depth scrutiny.

The second purpose is to relate the above to the Ghanaian Women’s Human Rights Law Provisions. The preoccupation of this Subsection will also be to identify the most
important human rights law provisions for an in-depth textual analysis. This component of the review of literature also addressed women’s rights-related aspects of the Ghanaian Constitution as well as the statutory human rights measures, which are aimed at addressing widowhood practices related human rights violations.

### 2.6.2 Protection under International Human Rights Law

This section locates the study within the framework of major international human rights law and guidelines created for protecting women’s rights and combating discrimination of women internationally and nationally. These include, but are not limited to:

- The Charter of the United Nations (UN Charter);
- The Universal Declaration of Human Rights (UDHR);
- The International Covenant on Civil and Political Rights (ICCPR);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- The Optional Protocol to the Convention on the Elimination of All Forms Discrimination against Women (OP-CEDAW);
- The Declaration on the Elimination of Violence against Women (DEVAW); and

The above international (and regional) human rights and instruments, which received a detailed analysis in the Literature Review of this study, will only be briefly surveyed in this section.

The UN Charter and Universal Declaration of Human Rights (UDHR) is the most important of the seven international human rights law basic documents selected for framing the study within the human rights law framework. This importance emanates from the fact that all other human rights conventions, resolutions and declarations draw their inspirations from the UN Charter and Universal Declaration of Human Rights. All the harmful widowhood practices outlined in Section 2.5.2 (Perceived Negative Effects
of Widowhood Practices) violate individual human rights of widows that are protected by both under international and national human rights laws. They violate women’s rights enshrined in the 1992 Constitution of Ghana, women’s rights related statutory laws, and standards adopted from national human rights institutions such as the Commission for Human Rights and Administrative Justice (CHRAJ), the Ministry of Women and Children Affairs (MOWAC) and the Domestic Violence and Victims Support Unit (DOVVSU).

Firstly, the universal equality in dignity and rights, which permeates all democratic constitutions and human rights legislations across the globe, including Ghanaian women’s human rights related statutory laws, is enshrined in the fundamental key phrase of Article 1 of the UDHR. This article declares that:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The iconic fundamental human rights key phrase - equal in dignity and rights – the fountain of the UDHR - becomes the human rights normative basis for all international human rights instruments as well as national constitutions and frameworks across the globe.

Secondly, Article 2 and Article 27 of UDHR consolidated the universal human rights and democratic foundation laid down by the phrase “equal in dignity and rights”. Article 2 states that:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status…

It could be argued that the inclusion of ‘sex’ underscores the gender sensitivity of the Declaration, suggesting clearly that there should be no distinction between how widowers and widows are treated by society. That is, women’s rights are as important as any other rights.
Finally and most importantly, the UDHR does unambiguously provide in Article 27 (1) individual’s rights regarding cultural practices. Article 27 conveys individual cultural rights, which constituted the battleground where social factors involved in widowhood cultural norms wars fought for dominance. It provides:

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he (sic) is the author.

The UN member States’ self-reflexive choice of words in formulating cultural rights related to Article 27 not only highlight the importance of women’s cultural rights but also the fact that cultural norms and customary practices exercise absolute proprietorship over the destinies of the State and lives of Ghanaians – the pervasive unstoppable cultural power responsible for criminalization of widowhood related cultural abnormalities in Ghana through Article 88A of the Criminal Code of the Republic of Ghana: (Republic of Acts of Ghana, 2003: 1-118). This means, according to Article 27(1) of UDHR, the choice to participate in any cultural and customary ceremonies depends solely on the individual concerned. It could, therefore, be concluded that all widowhood social actors, for example, chiefs, widow family heads, widows’ late husbands’ families; elderly traditionalist women supervisors of widows during the confinement period, and widowhood ritual performers, who collectively force widows to sleep with their dead husbands’ bodies, drink water used to wash the corpses or submit widows to be cleansed sexually by their brother-in-laws or by professional ritual sexual cleansers of widows, violate individual rights of widows, who are protected by the UDHR.

The second international human rights document - the International Covenant on Civil and Political Rights (ICCPR) - is one of the major human rights instruments, that deals with wide ranging human rights. Although ICCPR does not focus mainly on the rights of women, there is evidence to suggest the document also protects women’s rights. This
argument is confirmed by the ideas expressed in Articles 2(1); Article 7; and 28 of the (ICCPR).

For example, Article 2(1), implores each State Party to the present Covenant to undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The ICCPR’s Article 2(1) reproduces almost word for word Article 2 of UDHR (1949) cited above. The cruel and inhuman treatment meted out to widows by traditional culture enforcers of widowhood practices across Ghana, appears to be invoked by ICCPR Article 7, which declares: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” These human rights violations against women have been declared criminal offences by two Ghanaian criminal legislations – “Act 88A: The Criminal Code (Amendment Act) 2003 Act 646 and Act 278A: Immoral or Indecent Customs or Practices in relation to bereaved spouses. The perverseness of cultural norms related human rights violations against women across the globe, and their enormous effect on the prevalence of harmful widowhood practices across Sub-Saharan African countries, underpin the UN and African human rights instruments repeated focus on women’s and widows’ cultural rights.

The ongoing focus on peoples’ cultural rights without any gender bias appears to be reiterated by Article 27 of the ICCPR which, among other issues, declares that citizens of every country should be allowed “to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

The third international human rights document is the International Covenant on Economic, Social and Cultural Rights (ICESCR). The adoption of the ICESCR by the United Nations General Assembly was aimed at strengthening the UN Charter and Universal Declaration of Human Rights. The Covenant constitutes, together with the UDHR and the ICCPR, the International Bill of Rights.
This ICESCR has, right from its Preamble, repeatedly re-affirmed not only the fundamental human rights principles enshrined in the UN Charter that protect the cultural rights of all human beings, but also focused on the most important dimension of widowhood practices: Citizens’ Cultural Rights. For example, the Preamble to ICESCR (1966) states that in “accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ....”

It further declares, and rightly so, that everyone may only be able to “enjoy his economic, social and cultural rights, as well as his civil and political rights” if all humans work together and create the enabling environment that permits this kind of individual unlimited enjoyment of economic, social, cultural, civil and political rights. The UN Charter’s original universal fundamental human rights principles that permeate almost all international human rights frameworks and national constitutions are re-invoked by Article 2 of ICESCR. This Article implores States to establish enabling human rights environment for the implementation of the ICESCR and to undertake “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

The major area of inequality exposed by widowhood practices relates to cultural exploitation, property rights and land rights, as well as economic and social rights within the community – an area in which widows are excluded and rendered invisible. Article 3 of CESCR targets this area by imploring State Parties to ensure that men and women enjoy equal rights of all economic, social and cultural rights as is provided by the above Covenant.

Hence, Article 3 urges State Parties to “undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant” (UN, ICESCR, 1966). The fact that African States have used the uncontrollable power of cultural norms and traditional customs over the people to avoid
implementing UN directed human rights provisions that run counter to their own selfish political agendas is exposed by Article 5. This Article exposes this political stratagem by asserting that cultural and customary practices must not be used as an excuse for dodging the stated objectives of the fundamental human rights provisions stipulated in the Covenant.

Finally, Article 15(1a) of CESCR exposes what the literature has identified as the inherent fundamental root cause of harmful widowhood practices: the clash between African cultural beliefs and international human rights standards and national human rights standards. To address this chronic inherent conflict, Article 15(a) calls on State Parties to ensure that all citizens enjoy the right to take part in cultural practices of their own choosing and must not be forced to participate in cultural and customary practices imposed upon them by political or traditional leaders. It must be reiterated that Article 15 concludes by reiterating the root cause of widowhood practices related human rights violations.

The above analysis has revealed that the stated objectives of ICESCR are similar to those of ICCPR and UDHR. The three international human rights instruments - the UDHR, ICCPR and ICESC - not only strive to ensure that the rights of women are not side-lined, but also drive home the notion that women’s rights are important and are inalienable human rights.

The fourth international human rights instrument is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – one of the most important international human rights instruments that specifically focus on combating discrimination against women. The prohibition of all discriminatory acts against women is glaringly stated in Articles 1, 2, 5, and 18 (1 & 2).

Article 1 of CEDAW defines discrimination widely, thus:

For the purposes of the present Convention, the term ‘discrimination against women’ shall mean 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.

It could be argued that Article 1’s definition of “discrimination” sets up women’s non-discriminatory frameworks for all States. Therefore, States, which ratified the Convention, can use this internationally recognised definition of discrimination in their own national legislations and other human rights provisions. Based on Article 1, all States that have ratified the Convention are obliged to reconsider or modify all cultural or traditional practices that run counter to international and national human rights standards or those that have a tendency to impair a woman’s enjoyment of these fundamental human rights and freedoms.

The measures provided for in Article 1’s that are aimed at eliminating harmful customs, which undermine women’s rights or discriminate against women, are further enhanced by Article 2’s detailed human rights provisions aimed at imploring States to create institutional frameworks and adopt legislation that is capable of protecting women’s rights as well as eradicating all patriarchal orientated cultural acts that infringe upon women’s rights.

Thus, Article 2 implores all States that are party to CEDAW not only to condemn discrimination against women in all its forms but also to use “all appropriate” human rights strategies and policy implementation approaches capable of “eliminating discrimination against women” without delay. To achieve this objective, the following human rights tasks must be performed:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
(g) To repeal all national penal provisions which constitute discrimination against women.

The above human rights objectives cannot be implemented unless the human rights administrative and implementation mechanisms have been established. Article 5 appears to outline objectives of these administrative and implementation procedures as follows:

States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

The essential administrative and judicial provisions for implementing the human rights measures aimed at combating all forms of discrimination against women are further consolidated by Article 18(1 & 2). Article 18 (1&2) creates the enabling environment for the establishment of human rights and administrative justice institution that probably led to the creation of the Ghana's Commission on Human Rights and Administrative Justice (CHRAJ). Article 18 (1) & (2), among other recommendations, provides:
States [that] parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect [and further] directs that the legislation prohibiting harmful traditional practices should be implemented and a new one adopted as necessary to ensure that these harmful traditional practices are eliminated.

The fifth international human rights instrument is the Optional Protocol to the International Convention on the Civil and Political Rights (OP-ICCPR). The latter Protocol consolidates the international human rights standards focused on combating patriarchal-oriented cultural traditions that violate women’s rights by creating two procedures that demonstrate how human rights violations against women can be redressed. The first procedure allows individual women as well as women groups to petition or submit claims of violations of rights which are protected under the Convention. The second procedure provides individual women or women groups whose human rights are violated a platform for redress - through the Committee established under CEDAW.

The sixth instrument is the Declaration on the Elimination of Violence against Women (DEVAW), which was proclaimed by the United Nations General Assembly and aims at eliminating violence against women. The overall purpose of the DEVAW is underscored by Articles 1, 2 and 4. Article 1 defines violence against women as

*any gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*

The above measures aimed at protecting women’s rights are further strengthened by provisions of Article 2, which states that:

violence against women shall be understood to encompass, but not be limited to the following: Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household,
dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

The overall thematic concern of the study – absolute ownership exercised by African cultural and traditional norms over the prevalence of widowhood practices – appears to resonate with the ideas incorporated into Article 4. Article 4 attacks the cultural and customary drivers that fuel widowhood practices in Ghana and the rest of Sub-Saharan Africa by imploring States not only to condemn violence against women but also to desist from invoking any custom, tradition or religious consideration or avoid their obligations with respect to its elimination. Article 4’s most powerful directive entails entreatying what to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

The last international human rights primary document, which provides the most relevant and rich multiple datasets on difference aspects of African women’s rights, particularly, widows’ rights and harmful cultural practices is the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the African Women’s Protocol). The most important provisions include: Article 2 – Elimination of Discrimination Against Women; Article 3 – Rights to Dignity; Article 5 – Elimination of Harmful Practices; Article 20 – Widows’ Rights; Article 21 – Right to Inheritance; and Article 22 – Special Protection of Elderly Women. All widowhood related human rights violations created by the contextual, cultural and patriarchal induced violations produced by harmful widowhood practices, some of which had been criminalized in Ghana, are all treated in detail in the African Women’s Protocol (African Union, 2003:1-32). The definition of discrimination in Article 1(f) states:

Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women,
regardless of their marital status, of human rights and fundamental freedoms in all spheres of life.

The review and the analysis of the international human rights declarations and conventions have clearly shown that the international human rights frameworks and implementation institutions have created an enabling human rights law environment aimed at protecting women’s rights and combating gender orientated discrimination and violence against women. However, violence and discrimination against women continue to persist. This is the question that screams for an answer. The section below will focus on Women’s Human Rights Violations in the Ghanaian Context.

2.6.3 Protection under Ghanaian Law

Ghana has ratified both the international and regional instruments that protect women’s rights. These international and regional instruments that Ghana ratified are

- The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW);
- The Optional Protocol to CEDAW; and

Despite this record of ratification and compliance with the international and regional human rights standards, Ghanaian women have continued to endure human rights violations: the persistence of discriminatory laws; violence against women; unequal status in marriage, family, and inheritance matters; unequal access to employment, decision-making; and lack of access to quality health services (Africa for Women’s Rights: Ghana, n.d.).

The failure of the concerted efforts by Ghanaian human rights institutions to eradicate harmful widowhood practices in Ghana can be attributed to the fact that Ghana has a plural legal system consisting of statutory, customary, and religious laws, which creates contradictions and inconsistencies particularly in the areas of marriage and family laws, inheritance and property rights (Bond, 2008). Due to the limited space allowed in a mini dissertation, this section only deals with the relevant constitutional, statutory and
institutional measures taken to protect widows' individual rights and to combat human rights violations created by widowhood practices in the Ghanaian context without submitting these provisions to detailed in-depth analysis. These primary documents are:

- Intestate Succession Law (Amendment, 1991) of Ghana;
- Provisional National Defence Council Law (PNDCL 111, 1985);
- Commission for Human Rights and Administrative Justice (CHRAJ);
- Ministry of Women and Children Affairs (MOWAC); and
- The Domestic Violence and Victims Support Unit (DOVVSU).

The fundamental human rights of all Ghanaians, including women’s rights are enshrined and protected by Clauses 1 and 2 of Article 21 (General Fundamental Freedoms) of the Constitution of the Republic of Ghana (1992/1996). The framing of the Constitution within internationally accepted human rights laws was aimed at conforming to the international and the regional human rights conventions and instruments ratified by Ghana, particularly the instruments enumerated above.

Some of the major human rights provisions which the Constitution of Ghana (1992/1996) incorporated in order to protect women’s rights and to redress widowhood practices related human rights violations include:

- Cultural Rights (Article 26 (1) & (2);
- Property Rights of Spouses (Article 22 (1) - (3);
- Protection of Fundamental Human Rights and Freedoms (Clauses (1) & (2);
- Respect for Human Dignity (Article 15 (1) & (2);
- Protection of Personal Liberty (Article 14 (1); and
- Equality and Freedom from Discrimination (Article 17(1) (3).

The Ghanaian policy makers made concerted effort to tackle two of the major patriarchal orientated widowhood practices that have continued to trap widows in endless cycle of suffering and material destitution: (1) harmful cultural norms and (2) discriminatory customary inheritance laws.
On the question of harmful cultural norms, the Ghanaian policy makers have strived to protect vulnerable and defenceless widows by enshrining women’s Cultural Rights (Article 26 (1) & (2) of the 1992 Constitution. In order to reinforce the protection offered to widows through Cultural Rights enshrined in the Constitution and to combat widowhood rites related human rights violations, the Ghanaian policy makers criminalized harmful and immoral widowhood customs. This bold statutory move to eradicate cruel and immoral customs, which have continued to fuel human rights violations in Ghana, is driven by two major criminal legislations – “Act 88A: Cruel Customs or Practices in Relation to Bereaved Spouses, etc, and Act 278A: Immoral or Indecent Customs or Practices in Relation to Bereaved Spouses, etc” (Republic of Ghana: Acts of Ghana, 2003: 1-118).

First, the often cited harmful and unhygienic customs like forcing widows to drink the water used to wash the corpses of their departed husbands was criminalized under Sections 1 and 2 of Act 88A: Cruel Customs or Practices in Relation to Bereaved Spouses”. The crime under Section 1 is stated as follows: “Whoever compels a bereaved spouse or a relative of such spouse to undergo any custom or practice that is cruel in nature shall be guilty of a misdemeanour”. This section defines the crime as “a custom or practice shall be deemed to be cruel in nature if it constitutes an assault within the meaning of sections 85, 86, 87 and 88 of this Act” (Republic of Ghana: Acts of Ghana, 2003: 46).

Second, forcing widows to submit to performing immoral customs like forcing them to engage in sexual cleansing ritual performed by their brothers-in-laws or other professional ritual sexual cleansers or being coerced into levirate marriages with their deceased husbands’ brothers is treated as criminal offences under Section 278 (Gross Indecency) and Section 278A (Immoral or Indecent Customs or practices in relations to bereaved Spouses, etc). Section 278 states: “Whoever publicly and wilfully commits any grossly indecent act is guilty of a misdemeanour” while Section 278A states: “Whoever compels a bereaved spouse or a relative of such spouse to undergo any custom or practice that is immoral or grossly indecent in nature shall be guilty of a misdemeanour” (Republic of Ghana: Acts of Ghana, 2003: 46).
The review of the Ghanaian human rights primary documents listed above and the relevant human rights and widowhood practices suggests that Ghana’s plural legal system consisting of statutory, customary, and religious laws has created contradictions and inconsistencies particularly in the areas of civil and customary marriages, creating an unbridgeable human rights gap between customary laws and statutory laws on inheritance and property rights. This is in addition to the enormous problem created by the fact that harmful cultural norms fuel the human rights violations that trap women and vulnerable, defenceless widows. The Ghanaian lawmakers addressed these challenges by enshrining women’s rights in the Constitution and passing criminal legislations that specifically target harmful cultural practices. For example, Criminal Act 88A and Act 278A focused on women’s Cultural Rights enshrined in the 1992 Constitution. The Drafters of the Constitution redressed the monumental problem posed by widows’ property rights and discriminatory customary inheritance system. The Drafters of the 1992 Constitution of Ghana addressed this human rights problem that has tended to defy solution across Sub-Saharan Africa by entrenching widows’ property rights in Article 22 (1) - (3) Property Rights of Spouses as follows:

1. A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will.

2. Parliament shall, as soon as practicable after the coming into force of this Constitution, enacts legislation regulating the property rights of spouses:

3. With a view to achieving the full realization of the rights referred to in clause (2) of this article

   a. spouses shall have equal access to property jointly acquired during marriage;

   b. assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage

The above statutory measures aimed at eliminating human rights violations imposed upon Ghanaian widows by harmful and cruel widowhood customs and practices are further strengthened by the contributions made by other national human rights institutions. These human rights institutions, which are not submitted to analysis due to page limitations, include:
• the Commission for Human Rights and Administrative Justice (CHRAJ);
• the Ministry of Women and Children Affairs (MOWAC); and
• the Domestic Violence and Victims Support Unit (DOVVSU).
3.1 Introduction

The uses multiple qualitative data sources focused on narrative datasets, that is, the qualitative/interpretive paradigm. White (2005) observes that research methodological issues include: an explanation of the research paradigm; a description of the research design; the participants (population and sample); data collection techniques; and data analysis methods. Research methodology also refers to the choices researchers make about the phenomenon to study, methods of data gathering, and forms of data analysis in planning and executing a research study (Silverman, 2010). Research methodology may also be described as the study, the description, the explanation, and the justification of methods, and not the methods themselves (Kaplan, 2008; Bryman & Bell, 2011). According to Kaplan (2008), the aim of methodology is to describe and analyse methods by throwing light on their limitations and resources, clarifying their presuppositions and consequences in order to help researchers to understand not only the products of scientific inquiry, but the process itself.

For Babbie, Mouton, Vorster and Prozesky (2006), however, research methodology consists of the methods, techniques and procedures deployed in the implementation process of the research design in order to solve the research problem. Research methodology may, therefore, be defined as the methods, techniques, and procedures that are employed in the process of implementing research design or research plan, as well as the underlying principles and assumptions that underpin their use (Babbie, Mouton, Vorster & Prozesky, 2006; Babbie, 2011).

3.2 Research Paradigm: Interpretive Approach

The study uses a qualitative or interpretive or narrative paradigm, which is also called naturalistic or constructivist paradigm. The distinction between qualitative/narrative paradigm and quantitative paradigm and the two data forms resented in Table 1 below.
Table 1: Distinctive Features of Qualitative and Quantitative Inquiry

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>Quantitative (positivist)</th>
<th>Qualitative (naturalistic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The nature of reality</td>
<td>There is one reality and the inquiry process can be converged; reality can be manipulated and separated into common parts such as variables.</td>
<td>There is no one reality, as reality consists of interrelated parts that do not necessarily influence other parts of the inquiry. In other words, reality is divergent.</td>
</tr>
<tr>
<td>The nature of inquirer-object</td>
<td>There is an independent relationship between the inquirer and objects</td>
<td>The researcher and the participants depend on each other or there is a relationship between the inquirer and participants</td>
</tr>
<tr>
<td>object relationship</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The nature of truth statements</td>
<td>There is absolute truth in the inquiry and an inquiry that is not generalisable is unworthy. Thus the aims of quantitative inquiry is to develop homothetic knowledge.</td>
<td>There is no absolute truth and qualitative inquiries are not generalisable. They assume that the purpose of inquiry is to develop idiographic knowledge.</td>
</tr>
</tbody>
</table>


One way of distinguishing between quantitative data and interpretive/narrative data (qualitative data) is the focus on numeric (numbers) or non-numeric (words) data (Mertens, Bledsoe, Sullivan & Wilson, 2010). The term quantitative is predominantly used as a synonym for any data collection technique (such as a questionnaire) or data analysis procedure (such as graphs or statistics), which generates or uses numerical data (Saunders, Lewis & Thornhill, 2012). In contrast, the term qualitative is used predominantly as a synonym for any data collection technique (such as an interview) or narrative data analysis procedure (such as using themes and categorising data), which generates or uses non-numerical data (Yoshikawa, Weisner, Kalil & Way 2008). The term ‘qualitative’ however, can also refer to data other than words, such as pictures and video clips (Sammons 2010; Creswell, 2013a).
Interpretive or narrative approach is mostly preferred because the overall purpose of proposed widowhood practices study is to understand the complex conflict between widowhood related human rights violations and the conflicting narratives offered by the competing voices of social factors involved. Hence, the aim is to create an inclusive platform for the competing voices of the stakeholders involved in Akan widowhood rites not only to be heard but also to enable the researcher to interact and have a dialogue with the different participants involved (Johnson & Gray, 2010; Leech & Onwueguzie, 2010).

This approach enabled the researcher to understand the social world from the different experiences and different subjective meanings that the widows, widow family heads, chiefs, widowhood rites practitioners, key expert informants (human rights law expert and social welfare officer) attach to widowhood practices. Secondly, the narrative approach also enabled the researcher to work with narrative data which provides rich descriptions of social constructs as opposed to generalisations based only on numeric data (Niglas, 2010; Onwueguzie & Combs, 2010; Saunders, Lewis & Thornhill, 2012).

Neuman, 2011) confirms the above rationale for choosing narrative approach when the researcher asserts that interpretive method uses a narrative form of analysis to describe specifics and highly detailed accounts of a particular social reality being studied, which is termed the idiographic approach. The relevance of the paradigm chosen is further endorsed by Saunders, Lewis and Thornhill (2012:110), who state that interpretive (constructivism) or subjectivism refer to “understanding the meanings that individuals attach to social phenomena.”

3.3 Research Design: Narrative Inquiry
The study uses a multiple narrative data-sources design. The multiple narrative multi-layered designs has the capacity to transmute multiple narrative datasets by means of inducing participants to construct their own meanings of widowhood practices through lenses of their real life experiences of five widowhood social actors or participant groups from two sites (Cape-Coast and Komenda): rural and urban settings located in the
Central Region of Ghana. This multiple-participant-orientated research design aimed at giving widows, widow family heads, chiefs, widowhood ritual practitioners and expert key informants not only the opportunity to tell their own versions of widowhood practices but also to interact with, and engage, in multiple-voiced dialogue with the researcher.

Narrative inquiry is an umbrella term that captures personal and human dimensions of experience over time, and takes account of the relationship between individual experience and cultural context. The narrative design study is underpinned by three hybrid conceptual framework pillars: postmodernism; social obstructionism; and constructions. The proposed study’s preoccupation with including all major social factors involved in widowhood practices as evident in the many different social actors included in the sample is conveyed by Etherington, 2004:75). The latter states that is narrative inquiry “values concerned with collaboration and reflexivity as ways of ‘collecting, analysing, and re-presenting people’s stories as told by them’”. This inclusive and reflexive approach to research challenges traditional and modernist views of truth, reality, knowledge and personhood” (Etherington, 2012).

3.4 Data Collection Strategies and Data Sources
The documentary data collection strategy was used to collect primary documentary data. Primary documentary data collection was used to collect information from the international human rights instruments and Ghanaian human rights primary documents. The international human rights instruments collected include:

- The Universal Declaration of Human Rights (UDHR);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- African Charter on Human and Peoples’ Rights (ACHPR) and other relevant international human rights primary documents.

Secondly, the Ghanaian human rights related primary documentary datasets collected included the following:

- The Constitution of the Republic of Ghana (1992);
- Intestate Succession Law (Amendment, 1991);
- Provisional National Defence Council Law (PNDCL 111, 1985);
- Commission for Human Rights and Administrative Justice (CHRAJ);
- Ministry of Women and Children Affairs (MOWAC); and
- Domestic Violence and Victims Support Unit (DOVVSU).

Thirdly, secondary data collection strategies were used to collect relevant reports produced by various organizations such as United Nations, and other relevant literature on widowhood practices and women’s rights in government publications, legislation, and publications from activists or from the researchers who paid attention to widowhood-related topics.

Fourthly, participant observational strategies were used to collect data during the four-month field research process in Cape Coast and Komenda in the Central Region of Ghana.

Finally, face-to-face semi-structured interviews were used to collect biographical numeric data and narrative/qualitative primary data from the sampled participants.

3.5 Target Population and Sample
The study focused on target population of widowhood practices stakeholders living in a rural setting located at Komenda and in an urban setting located in Cape-Coast in the Central of Ghana. The Central Region of Ghana has an area of 8,828 square kilometres. This region has a total population of 2,826,863 inhabitants. The region’s population consists of 1,151,751 females and 1,050,112 males (GSS, 2012: iii). The target population of the proposed study is Fante people involved in the widowhood practices in Cape-Coast and Komenda in the Central Region of Ghana. The study used 29 participants; their distribution is described in Table 2 below.
Table 2: Distribution of Participants (N=29)

<table>
<thead>
<tr>
<th>Sample Subgroups</th>
<th>No of participants chosen from a rural site: Komenda</th>
<th>No of participants chosen from an urban site: Cape Coast</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.Christian widows</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>4 Traditional religion widows</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2 Muslim widows</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>10 Widow family heads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Official from the Commission for Human Rights and Administrative Justice (CHRAJ)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Official from the Ministry of Women and Children Affairs (MOWAC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Official from the Domestic Violence and Victims Support Unit (DOVVSU)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Widowhood ritual practitioners</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2 Chiefs</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2 Elderly widow expert supervisors of widowhood practices</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2 Teachers - “Widow ritual gatekeepers”</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

The target population may be defined as a set of entities that contain all elements or individuals of interest to the researcher. A target population is also described as the total number of units from which primary data may potentially be collected because it meets the criteria for inclusion in the study (Bailey, 2007; Burns & Grove, 2009). As already indicated above, the term sample consisted of 29 participants: ten widows; ten widow family heads; two chiefs; two widowhood ritual practitioners; two elderly female supervisors of widowhood practices; one official from the Commission for Human Rights and Administrative Justice (CHRAJ); one official from the Ministry of Women and Children Affairs (MOWAC); and one official from the Domestic Violence and Victims Support Unit (DOVVSU).

The term ‘sample’ refers to the subset of the population to be studied (White, 2005). Research formally defines a sample as “a part of a whole, or a subset of a large set” (Brink, Van der Walt & Van Rensburg, 2012:124). A sample is also described as the portion of the population selected by the researcher to participate in the research (Burns & Grove, 2009). The term sample also refers to the population with the characteristics.
that have a potential to have a range of rich information relevant to the widowhood practices research study.

3.6 Sampling Strategies
The study used non-probability sampling strategies – snowballing strategies – were complemented by “gatekeeper recruitment” technique. Snowballing sampling was used to select women that had previously gone through widowhood practices for the proposed study. Snowballing is a technique used in sampling whereby the first participant recruited recommends other potential relevant participants within the target population (Bryman, 2012:100). Purposive sampling was used to select the following participants for the study:

- widow family heads;
- chiefs,
- widowhood ritual practitioners;
- elderly female supervisors of widowhood practices;
- a CHRAJ official;
- a MOWAC official; and
- DOVVSU official.

This study outlined the profile of the participants. A chief is the traditional leader of a designated area and represents the people on the traditional council as well as at the Ghanaian House of Chiefs. Family heads are people who head particular families and are usually custodians of family property and traditions. Family heads are usually men, since it is men who are expected to protect members of the family. Furthermore, family heads tend to be men also because men are automatic heads of the nuclear family, which is made up of a man, wife and children. Traditional women experts who supervise widowhood practices will also participated in the study. These are usually elderly women who are believed to know the tradition and therefore supervise women to perform widowhood rites ceremonies. Such women were not necessarily from the same family. All these categories of participants were interviewed because they were classified as key informants due to their role or involvement in widowhood practices and they were all purposively sampled.
The other participant subgroup was also purposively selected including officials from (a) the Commission for Human Rights and Administrative Justice (CHRAJ), (b) Ministry of Women and Children Affairs (MOWAC) and (c) the Domestic Violence and Victims Support Unit (DOVVSU). These institutional informants participated in the study because they were members of Ghanaian institutions which deal with the protection of women’s human rights issues and cases of domestic violence. Purposive sampling is a type of non-probability sampling in which the units to be observed were selected on the basis of the researcher’s judgment about which ones were useful and represented.

3.7 Research Instruments
The study used three in-depth face-to-face semi-structured interview instruments to collect participants’ numeric biographical datasets and narrative datasets from 29 participants. Firstly, in-depth face-to-face and semi-structured interviews were used to collect numeric and narrative datasets from 10 widows (Appendix 1). Secondly, in-depth semi-structured interviews were used to collect numeric and narrative datasets from ten widow family heads; two chiefs; two widowhood ritual practitioners; and two elderly female supervisors of widowhood practices (Appendix 2). Thirdly, in-depth face-to-face semi-structured interviews were used in collecting numeric and narrative datasets from one official from the Commission for Human Rights and Administrative Justice (CHRAJ); one official from the Ministry of Women and Children Affairs (MOWAC); and one official from the Domestic Violence and Victims Support Unit (DOVVSU) - (Appendix 3).

3.8 Data Analysis: Content Analysis
The study was used by narrative or qualitative data content analysis strategy. Heikkilä and Ekman (2003:138) state that narrative data content analysis is frequently employed “to answer questions such as what, why and how, and the common patterns in the data are searched for” by using a consistent set of categories or themes to organise text with similar content. Content analysis is described as a method to classify written or oral materials into identified categories or themes of similar meanings (Moretti et al., 2011). These categories/themes represent either explicit (manifest) or inferred (latent) communication (Hsieh & Shannon, 2005).
Abrahamson (1983) has asserted that content analysis can be fruitfully used to examine virtually any kind of communication materials, including “narrative responses, open-ended survey questions, interviews, focus groups, observations, printed media such as articles, books or manuals” (as cited in Hsieh & Shannon, 2005:1278).

Bruner (1986) on the other hand, defined narrative data analysis as “different ways of knowing”. Narrative data analysis is also described by Bruner as “Paradigmatic mode of thought [that] draws on reasoned analysis, logical proof, and empirical observation, [which is] used to explain ‘cause and effect’, to predict and control reality, and to create unambiguous objective ‘truth’ that can be proven or disproved” (Cited in Etherington, 2013:5).

Etherington (2013:30) brilliantly captures the researcher’s reasons for choosing narrative research design and narrative data analysis for her study when he observes that narrative research design “allows us to hear how individuals construct meaning from within these systems of belief; their attitudes, values and ideas that shape sense of self, identity”. According to Clandinin and Connelly (2000), narrative inquiry moves between the internal and external world of the storyteller, across time, within their environments. As already stated, the researcher has chosen narrative design because of the desire to create a platform for inclusive conversation or dialogue with all the sample participants of the widowhood practices investigation.

The narrative research expert states that narrative research views research relationships as consultancy and collaboration; examines power issues within research relationships with a view to greater equality and helps create a sense of power and autonomy – especially for marginalised groups – by providing a platform from which those voices can be heard (Etherington, 2013).

The British narrative research advocate illuminates data analysis technique driven by the use of reflexivity, which underpins the data analysis and data interpretation framework. The use of reflexivity focuses on contexts of, and relationships between, the researcher and the researched as agents shaping the creation of knowledge. Enterington (2013) further describes reflexivity as “a dynamic process of interaction within and between us and our participants, and the data that informs decisions, actions and interpretations at all stages. This definition suggests that to be reflexive is to have an on-going conversation about experience while simultaneously living in the
moment. It could, therefore, be argued that narrative data analysis driven by reflexive orientated research is bound to produce reflexive knowledge: information on what is known as well as how it is known (Clandinin & Connelly, 2000; Etherington, 2000; Hertz, 1997).

The reflexive narrative content analysis framework was structured around thematic headings extracted from the four research questions and the themes were emerged from processing and interpreting narrative datasets gleaned from the five sets of competing interview narratives generated by responses from widows, widow family heads, chiefs, widowhood ritual practitioners and expert key informants. The narrative content analysis were framed around the thematic topics and meanings extracted from research questions and theme categories produced by the narrative content analysis. These narrative thematic headings were the following: (1) negative attributes versus positive attributes of widowhood practices, (2) the contextual and cultural drivers responsible for fuelling harmful widowhood practices, (3) the international human rights and Ghanaian human rights responses to human rights violations created by widowhood practices and (4) reasons responsible for failure of the concerted efforts by international human rights bodies and Ghanaian human rights efforts aimed at eliminating harmful widowhood practices.
CHAPTER FOUR
APPROACHES TO WIDOWHOOD RITES

4.1 Introduction
This mini-dissertation explores how widows make life meaningful out of their daily experiences and desperate situations. The situation in which widows find themselves has been largely determined by deep-seated custom and tradition on widowhood rites reinforced by a patriarchal society. Although the Ghanaian Constitution, legislation and applicable human rights norms and standards have ameliorated the condition of widows, the grip of custom and traditional rites has not loosened. The fact that the post democratisation constitutions do not immunise customary law against scrutiny based on human rights norms is very significant for women’s rights because customary law embodies and underpins customs and traditions that discriminate against women. Customary law was made to co-exist with the received English law for both statute and common law, including the rules of equity developed by the English court (Akuffo-Addo, 2002). The Supreme Court Ordinance of 1876 introduced the English legal system in Ghana and empowered it to apply indigenous laws and customary rules to matters involving land tenure, succession and inheritance, marriage and family, alongside the common law and received English statutory laws. The outcome was that chiefs continued to maintain their control and ownership of lands within the colonial administration.

4.2 The Ghanaian Constitution
The architecture of the 1992 constitution is based on the principle of separation of powers, as well as a system of overlapping personnel, functions and powers resulting from a hybrid of the presidential and parliamentary systems of government. The fundamental human rights provision of the Constitution of the Republic of Ghana guarantees the cultural rights and practices of the people, while still prohibiting customary practices that dehumanise or are injurious to the physical or mental well-being of a person (The Constitution of Ghana 1992). The UDHR unequivocally prohibits discrimination on grounds of gender. This is similarly provided for in CEDAW; ICCPR; and CERD.
4.3 The Constitution and the Rights of Widows
The Beijing Declaration called on state parties to ensure that any harmful aspect of certain traditional, customary or modern practices that violates the rights of women is prohibited and eliminated (Beijing Declaration and Platform on Action, 1995). This was impose positive obligations on states to eradicate customs and traditions that undermine the dignity and rights of women. This can, however, only be achieved if judges take up the challenge and interpret both constitutional provisions and international conventions in a manner that show sensitivity to the objectives of the norms contained in those instruments.

4.4 Legal and Customary Rights of Widows in Ghana
The Constitution of Ghana provides that the court must apply customary law where such law is applicable, subject to the Constitution and any legislation that specifically deals with customary law. The Constitution further goes on to say that the Republic of Ghana guarantees the cultural rights and practices while still prohibit the dehumanising side of it. Article 2 of CEDAW sets out to ensure that the enjoyment of women become real and not just remain a talk about issue. The latter provision therefore implores all States that are parties to the Convention to condemn and eliminate discrimination against women in all its forms and manifestations. Ghana a party to CEDAW and if it adheres to its provisions it will go a long way to help the course of the fight against discrimination of women. Law, customs and traditions, religion, and political ideology are agents of social change. Law has limited effectiveness to change certain situations and here is where education becomes very important because of the role it plays in the lives of people.

4.5 Tension between Customary Law and Legislation
In most African jurisdictions the applicable law consists of customary law, the common law and legislation of both colonial and post-independence era. Customary law has a great impact in the area of personal law, for example, with regard to matters such as marriage, inheritance and traditional authority. This is partly because it developed in an era dominated by patriarchy, some of its norms conflict with human rights norms that guarantee equality between men and women. While recognising the role of that
legislation can play in bringing about reform, the courts also have an important and equal role to play in ensuring that customary law is applied in a manner that resonates with the changing conditions of our time so that it conforms to human rights norms and contributes to the promotion of equality between men and women. The guiding principle should be that customary law is living law and therefore it cannot be static (T.W. Bennett, The Compatibility of African Customary Law and Human Rights, 1991). Customary law must be interpreted to take account of the lived experiences of the people it serves. Customary law is often discriminatory in such areas as bride price, inheritances, appointment to traditional offices, exercise of traditional authority, and age.

There has been an on-going debate between human rights activists and traditionalists that centres on whether customary norms are compatible with human rights norms contained in international conventions and national bills of rights in national constitutions. Traditionalists argue that, by promoting traditional values, customary law makes a positive contribution to the promotion of human rights while activists again argue that certain customary norms undermine the dignity of women and seek to justify treating women as second class citizens. The Vienna Declaration (1995) unequivocally stated that the rights of women are also human rights and that all human rights are universal, indivisible, inter-related and interdependent.

While written laws recognise the application of customary law, they do without resolving the conflict between customary law norms and human rights provisions. Many African constitutions contain provisions guaranteeing equality, human dignity, and prohibiting discrimination based on gender. It is important to evaluate customary norms in the context of human rights because legal norms capture and reinforce deep cultural norms and community practices (Indiana Journal of Global Studies 18.1). Respect for the law can only be achieved if the law furthers the needs and conforms to the circumstances of society subject to the law. Failure to use the law to achieve just social solutions to issues confronting society and to reform society effectively thwarts development and advancement in customary law and, consequently, also minimises its respect. There is a combination of factors that thwarts reforms from taking place because the situation persisted for long and the government cannot do it alone.
4.6 The Rights to Health
The health of women in Ghana is critical for national development. Human Rights norms proceed on the basis that women’s rights are universal norms to which all countries must respect; women are entitled to the exercise of their human rights, including the fundamental rights to health. According to the Ghanaian Constitution, the State shall provide the facilities and opportunities necessary to enhance the welfare of women. The loss of a spouse can have adverse consequences on the widow or widower’s physical and mental well-being. Some cope more successfully than others who experience greater difficulty. Which means the adaptation to the loss of a spouse varies from one individual to another. Widows are prone to depression after the death of their spouses. On the average, it has been revealed that widowers are less likely than widows to be depressed. The health of widows is greater because they lack many of the skills that are important in self-care.

4.7 Property Rights
Cultural and demographic factors are important determinants of inheritance, especially in rural areas that are governed by customary law (Amber Peterman, 2010). The scope of the rights of women to own and dispose of real property is an on-going human rights issue in a number of countries. Widows from Akan lineage, especially those in rural areas, frequently lose their possessions and are evicted from their matrimonial homes, leaving them and their children in deplorable, at risk conditions. This leads to extreme poverty and in most cases, leaves widows and their children, particularly daughters in extremely vulnerable situations. It is this vulnerability that drives young girls to marry much older men. They then become young widows themselves (Owen, 2001), thus recreating the cycle of poverty. Discriminatory property rights law coupled traditional, cultural and social customs have restricted Akan women and many women from other African cultures from ownership of assets. The task of reform is too large to be left to the courts alone, and courts are handicapped in that they can only deal with issues that arise in cases brought before them. Civil society has a role to play in dealing with such cases if the court cannot deal with it alone.
4.8 Findings
The study investigated Akan widows’ life experiences of widowhood, widowhood rites, violation against their property rights and protective resources they employ to survive. The age of the widows ranged between 30 to 80 years and consisted of urban and rural dwellers; different faiths and belief systems; monogamous and polygamous marriages; uneducated; employed and unemployed. Participants were drawn from two towns in one region in Ghana. The findings confirm that Akan widows’ vulnerability is directly connected with the social location of Akan women based on gendered socialisation and culturally asymmetrical roles in marriage; culturally gendered challenged they face during widowhood, lack of property and poverty. Poverty is the key factor that forces many widows to withdraw their children from school thereby exposing them to child labour or prostitution. The widows’ lack of landed property (including housing) affects their access to other resources, such as capital, health and education (Agarwal, 1996; Pandey, 2003; Tinker & Summerfield, 1999).

Property ownership is the most fundamental instrument to women’s economic independence, empowerment and liberation from abusive relationship (Hampel Milagrosa, 2009; Joireman, 2006; Pandey, 2003; Roy & Tindell 2004). According to Human Rights Watch (2004), millions of women around the world, especially those in developing countries such as Ghana, suffer abuses of their equal rights to own and to inherit, manage and dispose of property. Within the Akan lineage in Ghana, women may inherit property only through men, typically their husbands. However, they lose those rights when their relationships end through death or divorce (Abbas, 1997; Awusabo-Asare, 1990; Ewelukwa, 2002).

The study also revealed the enormous humility, social and psychological stress that widows have to endure through their entire life under the banner or custom and tradition. Societal norms and the institutions founded on such norms and practices have not eased the lives of widow. Equally, law and legislation lack the reach and effectiveness to dismantle these aged long practices. Given this scenario, mobilisation of community and traditional leaders including in particular education and awareness raising campaigns could prove to be the panacea. This, however, is a long term strategy.
that the government and its key institutions must be prepared to invest in. Through observations, one of the solutions is that women’s own voices and solidarity must be in the forefront in mobilising and lobbying for elimination of practices that undermine and humiliate them.

Lastly, in order to promote equality between men and women, women must be empowered not only in economic terms as discussed above, but to express their voice and to have their voice heard. In other words, patriarchy and oppression of women can only be overcome if women are equal partners and participants in society based on democratic principles and respect for fundamental human rights and freedoms of all.

4.9 Conclusion
The death of any person is the time when the family, friends and loved ones show their love and respect for the departed soul. This is typical in the African context. Widowhood rites are enormous and varied. The reasons range from love for the husband to obedience to tradition. Akan widows’ vulnerability is embedded in the complexities of Ghanaian statutory law and the indigenous customary laws that exist side by side. Akan customary laws governing marriage, property rights and succession exclude women while the Statutory laws also fail to protect their rights. This leaves widows vulnerable, poor and voiceless (Opare, 2005). The basic norms and practices associated with customary marriage and property rights place obligations on wives to assist their husbands in from the properties they accumulated (Danquah, 1928). Thus, any property accumulated belongs solely to the husband. Chapter 12 of Ghana’s Constitution promises to protect the fundamental human rights and freedom for all Ghanaians without any discrimination based on race, place of origin, political opinion, colour, religion, creed or gender of the individual. Ghana has ratified more than 20 regional and international human rights instruments. Prominent among them include CEDAW which Ghana signed on July 17, 1980 and ratified on January 2, 1986. Despite all the constitutional provisions and ratification of regional and international instruments, gender discrimination and inequalities continue to adversely affect the realisation of women’s rights in Ghana.
CHAPTER FIVE
CONCLUSION AND RECOMMENDATIONS

5.1 The Plight of Women under Culture and Tradition
This study revealed that despite the advances made towards the protection of women’s rights under both national and international legal instruments and policy frameworks, the plight of women continues. Under the guise of custom and traditional cultural practice, which is maintained by patriarchy and institutions built on the former, women continue to endure physical, emotional and psychological suffering, as well as indignity and humiliation. Widowhood practice among the Akan in Ghana is but one example that has been presented in this study.

Because these cultural practices that are deeply embedded in the community and its institutions, the victims of abuses are reluctant or do not report incidences of abuse to government authorities for fear of victimisation or disrespect to societal norms. For some, it is accepted as the price for identity and belonging to a particular community. In fact, those who contravene or do not conform to essential rituals such as those pertaining to widowhood are heavily sanctioned.

From the above it can be stated that the human rights provided for in the Ghanaian Constitution and in international conventions to which Ghana is a state party have not yielded the intended effects on women’s rights. If at all, they are claimed by a small elite in the urban areas while the majority of poor women in the rural areas suffer under traditional rituals of widowhood.

The institutions that have been put in place to protect women and the most vulnerable and marginalised groups in society also find themselves hamstrung or overpowered by the dictate of a patriarchal society. This is so with the institution of traditional and community leadership which exist here widowhood rituals take place. Equally the courts and law enforcement agencies are male dominated which make it difficult for women to have justice or in some instances feel free to access these institutions. It is
a combination of these factors that make it difficult to change the status quo and better the human rights of women in Ghana.

5.2 Recommendations
While the existence of widowhood rituals and the effect that the practice has on Ghanaian women is known and acknowledged, efforts to eradicate it have not yielded results. The cultural and traditional nature of the practice makes it difficult and counter-productive to use the instrument of law alone to effect social change. The solution therefore lies in a frontal attack that combines legal and non-legal measures and enlist understanding and awareness of individuals, communities and the institutions involved. Below are some of the observations and recommendations that can be implemented to eradicate the practice in the long run.

5.2.1 Measures by the Government and its Institutions
The Government should play a more intensive and coordinated role in enforcing laws that already exist in its Constitution and legislation. It should allocate more resources on education, training and awareness campaigns since custom and tradition cannot be dislodged only by instituting punitive legal measures. The radio could be very useful in this regards since many of those affected are rural dwellers. The Government should also endeavour to interact more with chiefs and community leaders who wield enormous authority in the areas affected by widowhood practice.

5.2.2 Narratives of Widowhood Practice and Experiences
There is need to capture and document narratives of the practice and experiences of women who have been adversely affected by it. This could provide a useful tool for conducting education, training and awareness campaigns. It will also reveal the nature and impact of widowhood rituals on women and why it is imperative that such rituals be banished in modern day Ghana.

5.2.3 Education, Training and Awareness raising Campaigns
As indicated under 5.2.1 above, deeply embedded custom and traditional practice cannot be dislodged law alone. It is important that society be mobilised and educated
on the advantages (if any) and disadvantages of a particular practice and the human rights implication on civility and on the human rights of women in particular. This would make it easier to deal with resistance and enlist the cooperation of those individuals and institutions that thrive on such obnoxious customs.

5.2.4 Traditional and Beneficiary Institutions
Since custom is maintain by and under the authority of traditional and community leaders, it is necessary that a constant engagement be maintained with these actors. Fear of losing their grip on tradition and the benefits that they may accrue from certain rituals and practice may drive opposition and resistance towards any change.

5.2.5 Involvement of Civil Society
Civil society formations should play a more proactive role in activities and programmes towards the eradication widowhood rituals and advocacy of the rights of women in general. Notwithstanding budgetary constraints, these issues can be presented as within the mandate and activities of of any human rights non-governmental organisation.

5.2.6 Stand-up Women for Women’s Rights
Lastly, women’s own voices and solidarity must be in the forefront. To be overpowered into submission or accept a practice that undermines the respect and civility of women will do more damage to society and women in particular. Women must therefore organise, mobilise, lobby to change practices that tend to undermine, humiliate of discriminate against them, such as widowhood practice.

In a nutshell, the above-mentioned measures are the only way to stop and eradicate these dehumanise widowhood practices and, equally, participants must be well informed about what Human Rights are all about.
REFERENCES


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The above highlighted regions are the Akan speaking areas. But the focus research area, are the Akans in the Central Region.
APPENDIX 2

FACE-TO-FACE SEMI-STRUCTURED INTERVIEW SCHEDULES FOR WIDOWS

INSTRUCTIONS
THIS INTERVIEW SCHEDULE WILL BE AIMED AT SOLICITING INFORMATION ON WIDOWHOOD RITES IN CAPE-COAST AND KOMENDA IN THE CENTRAL REGION OF GHANA.

THE PURPOSE OF THE INTERVIEW WILL BE TO GIVE WIDOWS THE OPPORTUNITY TO NARRATE THEIR OWN STORIES ABOUT WIDOWHOOD PRACTICES.

YOUR REAL-LIFE STORIES GENERATED BY THESE QUESTIONS WILL BE VERY MUCH APPRECIATED.

NOTE: ANSWERS TO THESE QUESTIONS WILL BE USED SOLELY FOR ACADEMIC PURPOSE AND WILL BE TREATED WITH COMPLETE CONFIDENTIALITY.

SECTION A: PARTICIPANT BIOGRAPHICAL DATA: CLOSED-ENDED QUESTIONS

Interview No ---------------------------------------------------------------
Date ---------------------------------------------------------------
Place ---------------------------------------------------------------
Interview conducted by ---------------------------------------------------------------

1. Age of Participant ---------------------------------------------------------------
2. Sex: (a) Male --------------------- (b) Female -----------------------------
3. Religion: (a) Christian/Muslim/Traditional -----------------------------
4. Highest educational qualification ---------------------------------------------------------------
5. Type of Employment ----------------------------- Unemployed -----------------------------
6. Marital Status: (a) Widowed --------------------- (b) Re-married---------------------
8. For how long have you been widowed? -----------------------------
9. For how long have you been re-married? ..................................................

10. How many children do you have? ..............................................................

11. How many of your children are still dependent on you for upkeep? -------

12. Do you receive any support for your children’s upkeep? Yes ----- No ----- 

13. If you receive any child support fund or grant, state the source of this financial 
support ..............................................................................................................

14. Did you participate in any widowhood practices? Yes ------- No --------

SECTION B: WIDOWHOOD PRACTICES: OPEN-ENDED QUESTIONNS

15. Briefly describe the widowhood rites you had participated in after the death of your 
husband.

16. Why did you perform these widowhood rites?

17. Who administered the widowhood rites?

18. What were you told was the purpose of the widowhood rites?

19. Did you participate in the rites willingly or were you forced?

20. If you were forced, who forced you to perform the rites?

21. Which aspects of the widowhood practices helped you to address the negative 
effects of the loss of your husband?

22. Which aspects of the widowhood practices violated your fundamental human rights 
as a woman?

23. Did the widowhood rites have any effect on the following? Briefly, explain: 

(a) Your rights to your late husband’s property?

(b) Your rights to your children?

(c) Your relationship with your late husband’s family?

(d) Your rights to remarry?

24. Describe the immediate and the long-time effects of the widowhood rites on your 
well-being.
APPENDIX 3

SEMI-STRUCTURED INTERVIEW SCHEDULES FOR (1) WIDOW FAMILY HEADS, (2) CHIEFS, (3) WIDOWHOOD RITUAL PERFORMERS AND (4) ELDERLY FEMALE SUPERVISORS OF WIDOWHOOD PRACTICES.

INSTRUCTIONS

THIS INTERVIEW SCHEDULE WILL BE AIMED AT SOLICITING INFORMATION ON WIDOWHOOD PRACTICES IN CAPE COAST AND KOMENDA IN THE CENTRAL REGION OF GHANA.

THE PURPOSE OF THE INTERVIEWS IS TO GIVE (1) WIDOW FAMILY HEADS, (2) CHIEFS, (3) WIDOWHOOD RITUAL PERFORMERS and (4) ELDERLY FEMALE SUPERVISORS OF WIDOWHOOD PRACTICES THE OPPORTUNITY TO NARRATE THEIR OWN VERSION OF THE PERCEIVED STORIES ABOUT WIDOWHOOD PRACTICES.

YOUR STORIES GENERATED IN RESPONSE TO THESE QUESTIONS WILL BE VERY MUCH APPRECIATED.

NOTE: ANSWERS TO THESE QUESTIONS WILL BE USED PURELY FOR ACADEMIC PURPOSE AND WILL BE TREATED WITH COMPLETE CONFIDENTIALITY.

SECTION A: BIOGRAPHICAL DATA: CLOSED-ENDED QUESTIONS

1. Interview No
2. Place
3. Date
4. Interview conducted by
5. Introduction of the researcher and research objectives
6. How old are you?
7. Gender/Sex: (a) Male (b) Female
8. What is your religion? (a) Christian/Muslim/Traditional
9. What is your highest educational qualification?
10. What do you do for living or what kind of work do you do?  
11. What is your marital status?  
12. How many children do you have?  
13. Do you have other dependants in addition to your own children?  
14. If your answer is yes, state the number of dependants.  

SECTION B: WIDOWHOOD PRACTICES: OPEN-ENDED QUESTIONS  
15. Do the Fantis practise widowhood rites?  
16. What is your current official role in widowhood rite ceremonies?  
17. What other roles did you ever play in Akan widowhood practices?  
18. What Akan widowhood-related taboos do you know?  
19. What are some of the punishments for violating Akan widowhood-related taboos?  
20. How would you assess men’s communal rights versus women’s communal rights in your inheritance system?  
21. Does your customary inheritance system comply with the international human rights standards?  
22. Does your customary inheritance system comply with Ghana’s human rights standards?  
23. Can you explain how your customary inheritance practices are carried out?  
24. Have there been any changes in the widowhood practices over time?  
25. What happens to a widow who does not go through the widowhood rite ceremony?  
26. Whose duty is it to enforce widowhood rites in Fante communities?  
27. Are there any punishments if (a) the widow family head, (b) the ritual performer, or (c) the chief refuses to participate in widowhood rites?  
28. State the different punishments given if (a) the widow family head, (b) the ritual performer, or (c) the chief refuses to participate in widowhood rites.  
29. Have there been any Ghanaian laws aimed at stopping Akan widowhood practices?
30. Could you tell me in more detail about some of the different cases that you have come across in your capacity as (1) a chief, (2) a widowhood ritual performer and (3) a widowhood family head?

31. Which aspects of the widowhood rites are compulsory and have to be performed by all widows?

32. What, in your view, would need to change for widowhood rites to be abolished by the Akan people?

33. Do the widowhood ritual practices comply with the international human rights standards?

34. What are the conflicts between widowhood practices and the Ghanaian human rights standards?
APPENDIX 4

FACE-TO-FACE SEMI-STRUCTURED INTERVIEW SCHEDULES FOR (1) AN OFFICIAL FROM THE COMMISSION FOR HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ), (2) AN OFFICIAL FROM THE MINISTRY OF WOMEN AND CHILDREN AFFAIRS (MOWAC) AND (3) AN OFFICIAL FROM THE DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT (DOVVSU).

INSTRUCTIONS

THIS INTERVIEW SCHEDULE WILL BE AIMED AT SOLICITING INFORMATION ON WIDOWHOOD RITES IN CAPE-COAST AND KOMENDA IN THE CENTRAL REGION OF GHANA.

THE PURPOSE OF THE INTERVIEW WILL BE TO GIVE THE EXPERT INFORMANTS – (1) AN OFFICIAL FROM THE COMMISSION FOR HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ), (2) AN OFFICIAL FROM THE MINISTRY OF WOMEN AND CHILDREN AFFAIRS (MOWAC) AND (3) AN OFFICIAL FROM THE DOMESTIC VIOLENCE AND VICTIMS SUPPORT UNIT (DOVVSU) – AN OPPORTUNITY TO TELL US THEIR EXPERT STORIES ABOUT WIDOWHOOD PRACTICES.

YOUR OBJECTIVE RESPONSE TO THESE QUESTIONS WILL BE VERY MUCH APPRECIATED.

NOTE: ANSWERS TO THESE QUESTIONS WILL BE PURELY FOR ACADEMIC PURPOSE AND WILL BE TREATED WITH COMPLETE CONFIDENTIALITY.

SECTION A: BIOGRAPHICAL DATA: CLOSED-ENDED QUESTIONS

1. Interview No -------------------------------------------------------------------------------------------------
2. Place ----------------------------------------------------------------------------------------------------------
3. Date ------------------------------------------------------------------------------------------------------------
4. Interview conducted by -----------------------------------------------------------------------------------------
5. Introduction of the researcher -------------------------------------------------------------------------------
6. How old are you? ---------------------------------------------------------------------------------------------
7. Gender/Sex ------------------------------------------------------------------------------------------------------
8. What is your religion? (a) Christianity/Muslim/Traditional
9. What is your highest educational qualification?
10. What do you do for living or what kind of work do you do?
11. What is your marital status?
12. How many children do you have?
13. Do you have other dependants in addition to your own children?
14. If your answer is yes, state the number of dependants.

SECTION B: WIDOWHOOD PRACTICES: OPEN-ENDED QUESTIONS
15. What do you know about Akan widowhood practices?
16. Could you describe any widowhood practice-related cases you had dealt with during the past five years?
17. In your opinion, what are the benefits of Akan widowhood practices?
18. In your opinion, what are the negative effects of Akan widowhood practices?
19. What are the widowhood related areas of conflict between Ghana's customary law and the Constitution of Ghana?
20. What government orientated interventions have been aimed at addressing the challenges posed by Akan widowhood practices?
21. Which international human rights based organisations have been engaged in assisting Akan widows whose rights had been violated by widowhood practices?
22. What conflicts, do you think, exist between Akan widowhood practices and international human rights standards?
23. What human rights conflicts exist between Akan widowhood practices and Ghanaian human rights standards?
24. In your opinion, what cultural factors have been fuelling harmful widowhood practices among the Akans?
25. In your opinion, what roles do customary norms and patriarchal traditions play in fuelling harmful widowhood practices among the Akan?
26. Could you indicate what successes and failures have been recorded about your institution’s efforts to address widowhood practices related human rights violations against women in the Central Region of Ghana?
LETTER OF CONSENT TO PARTICIPANTS

Faculty of Law
University of Fort Hare
Alice- South Africa

Dear Sir/Madam

RE: REQUEST TO CONDUCT AN INTERVIEW ON WIDOWHOOD PRACTICES

I am Lucy Afari-Twumasi, currently conducting research for my master's degree and being supervised by the University of Fort Hare in South Africa.

The approval from the local chief in this community has already been obtained. The research aims to find out the knowledge, opinion and the effect of widowhood practices on widows.

I would therefore appreciate if you could agree to participate by answering an anonymous questionnaire which I would administer. The interview may not take more than 30 minutes. Your answers would remain confidential. This information would help to improve the way the widowhood practices are done and the well-being of widows in general.

Feedback information would be brought back to the community. Any participant can withdraw from the study at any given time.

Sincerely yours

Lucy Afari-Twumasi
ETHICAL CLEARANCE CERTIFICATE
REC-270710-028-RA Level 01

Certificate Reference Number: REM161SAFA01

Project title: Traditional and Cultural Practices which violate the rights of women: A case study of widowhood practice among the Akan in Ghana.

Nature of Project: Masters in Human Rights (Law)

Principal Researcher: Lucy Afari-Twumasi

Supervisor: Prof N.S Rembe
Co-supervisor: N/A

On behalf of the University of Fort Hare’s Research Ethics Committee (UREC) I hereby give ethical approval in respect of the undertakings contained in the above-mentioned project and research instrument(s). Should any other instruments be used, these require separate authorization. The Researcher may therefore commence with the research as from the date of this certificate, using the reference number indicated above.

Please note that the UREC must be informed immediately of

- Any material change in the conditions or undertakings mentioned in the document
- Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research

The Principal Researcher must report to the UREC in the prescribed format, where applicable, annually, and at the end of the project, in respect of ethical compliance.