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**Human Rights Watch Submission to the Open Ended Working Group on Ageing
Neglect, Violence and Abuse against Older Persons**

Human Rights Watch is an international human rights organization that conducts research and advocacy on human rights in over 90 countries worldwide. We have documented violations of human rights in Zimbabwe for many years, including the report, "[‘You Will Get Nothing,’ Violations of Property and Inheritance Rights of Widows in Zimbabwe](#)," published in January 2017, with this accompanying [video](#). It documents how widows in Zimbabwe are routinely evicted from their homes and land, and their property is stolen by in-laws after their husbands die. These widows are predominantly older women. Based on interviews with widows from all 10 provinces of Zimbabwe we know that many older women have few other economic options when their property is stolen by in-laws when their husbands die.

No fewer than two-thirds of the women who spoke to Human Rights Watch said they experienced the profound injustice of their in-laws taking over their homes or property, and feeling helpless to stop it. Others simply did not know that they had property and inheritance rights to begin with and were unable to withstand the intimidation tactics used by their in-laws such as daily shaming, harassment, and physical assaults. Still others said that they were wary of jeopardizing relationships with in-laws with whom they had shared their lives for many years, and whom they had hoped would support them and their children in familial and cultural ways.

Widows who decided to mount legal fights to keep their property told Human Rights Watch that they faced major barriers doing so. They described an array of procedural and practical hurdles. They said that they had to travel long distances to reach government agencies and courts; that correspondence about claims was often sent to family members of their late husbands, who had little interest in sharing it with them; and that court fees were prohibitive. Being stripped of their only means of income (the United Nations estimates that over 70 percent of women are involved in the agricultural economy in Zimbabwe), these widows also faced a Catch-22 situation: they needed proceeds from their property to pay the cost of proceedings, and they needed to pay for the proceedings in order to get back their property. Almost all of the women we interviewed who successfully reclaimed their property were assisted by nongovernmental organizations. Without this legal support, the barriers appear insurmountable for most widows.

Guiding Question 2) (b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?



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This abuse specifically affects older women who are widows. Most of the widows we interviewed could have been perceived as older and may have been targeted for property grabbing because of relatives' real or imagined belief that they would be unable to defend themselves and their property. For some, the abuses they face as widows continue a lifetime of gender-based discrimination, abuse, and deprivation that can include being married as a child, being deprived of education opportunities, abusive marriages, and other violence. The effects of discrimination based on gender and other statuses accumulate across a lifetime. When confronted with yet another status upon which they might be discriminated—their marital status of widowhood—older widows face even greater vulnerability.

Guiding Question 3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons?

Legislation in Zimbabwe does not sufficiently address abuse against older persons. In 2013, Zimbabwe adopted a new constitution that provides for equal rights for women, including for inheritance and property. In practice, however, existing laws only apply to widows in officially registered marriages. Estimates are that most marriages in Zimbabwe are conducted under customary law and are not registered, so, in effect, these laws afford no protection from property-grabbing relatives. Many widows told Human Rights Watch that they face insurmountable obstacles defending their property or taking legal steps to reclaim it. Once in court, widows said they were at a disadvantage without an official record of their marriage if it was a customary union. According to the 2012 census, Zimbabwe is home to about 587,000 widows, and most women 60 and over are widowed. The UN Food and Agriculture Organization estimates that at least 70 percent of women in rural areas are in unregistered customary unions and are living under customary law.

We have made recommendations to the government of Zimbabwe to:

- Introduce a system that ensures all existing and new marriages, including customary unions, are officially registered.
- Allow the posthumous recognition of marriages and customary unions.
- Engage in public awareness campaigns to end unlawful property grabbing and inform widows of their inheritance rights.
- Ensure widows have meaningful access to legal remedies to protect their rights to property and other related rights in cases of unlawful property or inheritance grabbing.