



ISSN 2810-0182 (Online)  
**ACITYA WISESA (Journal of Multidisciplinary Research)**

Vol. 1, Issue.2, 2022

<https://journal.jfpublisher.com/index.php/jmr>

## **Assessing The Infringement Of Widows Rights During Widowhood Rites Practices In Talensi And Nabdam In The Upper East Region Of Ghana**

**Maxwell Tengolzor Ba – an<sup>1</sup>**

[baansepaat@yahoo.com](mailto:baansepaat@yahoo.com)

Millar Institute for Transdisciplinary and  
Development Studies (MITDS) /  
Millar Open University (MOU).  
Bolgatanga, Upper East Region, Ghana

**Linda Bedzra<sup>3</sup>**

[bedral@yahoo.com](mailto:bedral@yahoo.com)

Department of Social Sciences, Akatsi  
College of Education, Ghana

**Justine Abaguri Adjuri<sup>2</sup>**

[adujustine@gmail.com](mailto:adujustine@gmail.com)

Department of Fashion Design and Textile  
Studies, Tamale Technical University,  
Ghana

**Samuel Kwabla Segbefia<sup>4</sup>**

[Samsegbefia329@gmail.com](mailto:Samsegbefia329@gmail.com)

Department of Business and Social  
Sciences Education, University of Cape  
Coast, Ghana

### **ABSTRACT**

*The purpose of this study was to investigate how widowhood rites practices infringe on the right of widows in contemporary times at Talensi and Nabdam. One such practice is commodification and oppression of the weak, notably widows' sexual and human rights. Participant observation, interviews, and community immersion were used. Both ethnic groups practice widowhood rites both fresh and final burials, the study found.*

*The study adapted ethnographic research design for the study since the study is on the culture of widowhood rites practices of Talensi and Nabdam districts.*

*Inter-ethnic disparities were also discovered in the study. Notably, widowhood rites are detrimental to the health and rights of widows. Widows are denied the opportunity to exercise their rights and are instead instructed on what to do and what not to do. By forcing an inheritor on the widow, the practise encourages economic abuse of widows by denying the widow and her children the right to inherit the deceased property.*

*The study concluded that a rigorous examination of multiple activities is necessary to eliminate factors that violate women's rights. For instance, the right to dignity should be assessed and, where possible, amended because culture is supposed to be dynamic, and people's practises should evolve through time. To connect effectively with widows, the researcher proposes mobilising older women as change agents; clearly, in Ghana and other underdeveloped countries, women's lives are governed by customary or traditional religious standards.*

**Keywords:** *Widowhood rites, Infringement, Talensi, Nabdam, Rights, Contemporary times*

## **INTRODUCTION**

Widowhood is a painful circumstance in which women find themselves after their husbands pass away. A widow, according to Ihekweaba and Amasiatu (2016), is a woman who has not remarried after her husband died (also see Amasiatu, 2009). "Widowhood" is defined by Foluso (2011) as the state of being a widow or the phrase "widowhood." A widow is expected to marry male relative or kin of her deceased husband. It's sometimes referred to as a levirate union.

A man may inherit his brother's widow to aid in the rearing of the children, according to Phiri (2000). This practise provides the widow and her children with means and support in the absence of the spouse, as well as ensuring the deceased man's family's social and financial stability. A man's death in polygamous northern Ghana may leave numerous widows and offspring. The Talensi family inherits the deceased's wife and any possessions left behind. As with inanimate property, White et al. regard the widow as a material resource. Female subordinates are supposedly not entitled to property. When a widow receives an inheritance, she continues to serve her late husband's village. As a result, the widow retains the possessions of her late spouse. If she refuses to marry the levirate, she forfeits the assets and children of her late husband. If she chooses to remain but does not marry the levirate, White, Kamanga, Kachika, Chweza, and Chidyaonga will closely monitor and limit her behaviour (2002). These activities suffocate the widow's free will and, as a result, her capacity for decision-making. Thus, the purpose of this study is to ascertain the effect of contemporary widowhood rites on widows' rights in the Talensi and Nabdam areas.

## **LITERATURE REVIEW**

### **Negative Cultural Practices on widowhood Rites in Northern Ghana.**

According to Ayagiba (2010), the widow is expected to remarry a sibling or a relative of the deceased spouse due to the dowry provided by her husband. As a result, she is viewed as a possession rather than a companion. She attributes the practise to widows' high illiteracy rates in Northern Ghana, adding that some boldly drink the cocktail to demonstrate their innocence in the face of the charges levied against them. Again, she stated, because the widow's family is unable to repay the cows taken as dowry from her late husband, the widow is forced to remarry her late husband's kin and continue bearing children for the "dead" guy. If she refuses, she becomes an adversary as this indicates that she lacks respect for authority and may be asked to leave the house. If the widow agrees to remarry, she incurs the wrath of her co-wife, and her opponent criticises her for being a bad-luck woman and a witch who murdered her husband and now wishes to murder her own. If the husband's brother has other women and believes he cannot marry the widow, he may even beg

the widow to stay back, flirt, and deliver children for her husband (Ayagiba 2010). These activities have the potential to spread sexually transmitted illnesses like HIV and AIDS. In addition, the widow uses and loses everything she owns during the funeral, leaving her with nothing. As a result, her children go off on their own.

Ayagiba (2010) discovered that women and girls were affected differently than men and boys in most cultural behaviours. The study concluded that certain cultural practises were detrimental to the enjoyment of human rights, particularly for women and girls, and hence required change or eradication. Certain detrimental cultural behaviours are so entrenched that changing them may seem impossible.

She proposed that if these cultural behaviours are to be modified, research should focus on increasing public awareness of the risks and indignity associated with them. The purpose of this research is to provide an answer to this recommendation. One of these practises was claimed to be the practise of widow inheritance. This study recommended that academics who conduct research on traditional practises gain a thorough understanding of the traditions' details. When it comes to widow inheritance practices, however, it is frequently difficult to comprehend the true physical and mental consequences of a behavior. According to the research, some inheritors become so aggressive that they force the lady to leave on her own, leaving her without property.

The study concluded that the practise occasionally contributed to the anguish of women who found themselves in marriages with already married inheritors. This is because the inherited wife may have a history of incompatibility with the inheritor's first wife. The study examined all cultural traditions in Ghana and their impact on women's rights. This signifies that it did not go into detail about a certain activity.

### **Rights of Women in the Ghanaian Context (1992 Constitution)**

Ghana's 1992 Constitution, which was approved in 1993, protects women's human rights. This demonstrates Ghana's willingness to protect women's rights as specified in the international treaties Ghana has ratified. The Constitution, as the supreme legislation of the land, is critical in assuring the protection of women's rights. Chapter 5 of the 1992 Constitution is entirely devoted to fundamental human rights and freedoms. It is the use of gender-neutral pronouns such as "person," "no one," and "everyone" that demonstrates the constitution's concern for women's rights.

Even though the language used is gender sensitive, Article 12 (2) states that

*"Every person in Ghana, regardless of race, place of origin, political union, colour, religion, creed, or gender, shall be entitled to the fundamental human rights and freedoms set forth in this Chapter, subject to respect for the rights and freedoms of others and the public interest."*

It is necessary to emphasise here that women's rights are not only acknowledged, but also protected. The chapter's fundamental human rights and liberties are conditional on one's respect for the fundamental human rights and liberties of others. As a result, anyone who denies women their fundamental human rights and liberties should face the full force of the law. This means that, under the constitution, everyone must exercise his or her fundamental human rights and freedoms with consideration for the rights and freedoms of others and refrain from trampling on them.

Aside from that, the constitution protects the dignity of all people, particularly women. Apart from maintaining everyone's dignity, it goes further by outlawing torture and other forms of cruel, brutal, and degrading treatment or punishment.

Article 15 (1 & 2b) states as follows:

(1) Every person's dignity shall be unassailable.

(b) His dignity and worth as a human being should not be devalued by any other circumstance Using masculine pronouns like "he" and "his," as well as the term "no person," at the beginning of Article 15's subsection 2, is not considered as a separation of women's rights. By establishing that everyone is equal before the law, Article 17 of the Constitution reaffirms the preservation of fundamental human rights and freedoms for women.

Subsections 1 and 2 of Article 17 declare that:

*(1) In the eyes of the law, all people are equal.*

*(2) It is unlawful to discriminate against a person based on gender, race, color, ethnic origin, religion, creed, or social or economic standing.*

According to the wording used here, this article displays a commitment to upholding the fundamental human rights and liberties of women as established in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In the same way that article 17 prohibits discrimination based on gender, subsection 3 defines discrimination as follows:

*(3) This article defines "discriminate" as "treating individuals differently solely or primarily because of their race, place of origin, political beliefs or colour or gender."*

As a result, treating males differently in terms of widowhood ceremonial customs may be construed as discrimination. The practises are not as stringent as they are with women. Unlike women, men are not compelled to remain with the dead during the funeral. Article 26 recognises and protects individuals' rights to practise and appreciate tradition, stating that:

*(1) Subject to the constitution's provisions, everyone has the right to enjoy, practise, profess, maintain, and promote any culture, language, tradition, or religion.*

*(2) All customary practises that are dehumanising or detrimental to a person's bodily or mental well-being are prohibited.*

This article means that, while individuals are generally entitled to enjoy their own cultures and customs, they must do so in accordance with fundamental human rights and liberties of the mind. As a result, witnessing dehumanising and harmful acts entails trampling on others' fundamental human rights and liberties. Article 33 contains a clue about the safeguarding of all people's fundamental human rights and freedoms.

### **Commission on Human Rights and Administrative Justice (CHRAJ)**

According to the CHRAJ Report (2003), the commission has played an essential role in eliminating the country's antiquated customary and traditional practises. Trokosi, Female Genital Mutilation (FGM), and severe widowhood rites are still practised in Ghana due to superstition, deeply ingrained beliefs, and certain archaic, negative, and traditional and customary practises.

According to the CHRAJ Report (2005), the Commission encourages excellent and healthy cultural practises that exist to celebrate life, promote communal cohesion, and transfer valued values from one generation to the next, in conformity with the 1992 Constitution. On the other hand, cultural practises that are detrimental or undermine human values and dignity are outlawed by the 1992 Constitution and cannot be practised under any circumstances. The truth is that if we truly wish to free our people from cultural connections and oppression, we must all follow this guideline.

Trokosi, female genital mutilation (FGM), forced marriages, terrible widowhood rites, and trial by ordeal of women suspected of witchcraft, among other dehumanising practises, are all legacies of inhumanity and form a scourge on the nation's conscience.

All sorts of degrading cultural practises that negatively affect women and children are prohibited by the 1992 Constitution as well as international human rights agreements such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). People who are victims of all kinds of cultural practises that make them less human should report their cases to the panel, according to the commission.

The Commission also calls on the National Commission on Culture, the National House of Chiefs, security services, and well-intentioned Ghanaians to increase their efforts to help eradicate cultural practises that degrade human dignity.

### **Challenges in implementation of Women's rights**

The application of the international convention, constitution, and legislation is beset with obstacles. Despite international agreements and regulations protecting women's fundamental human rights, many violations of women's fundamental human rights continue to occur (U.S., 2008).

According to Tei-Ahontu (2008), judicial technicalities make full implementation of the Act difficult. This helps to explain why many people are

afraid to report cases of human rights violations. It can also be daunting because of the low success rate of prosecuting violent crimes and the fact that victims must confront the accused. When confronted with the defendant in court, the victim often seeks relief from the terrible and humiliating experience. This, she believes, should be sufficient to deter people from seeking justice through the criminal justice system. The legal method, according to Heidi Boas, paraphrasing Subrata (1999), can be utilised to influence change in harmful cultural practises. She discovers that court precedent may be a powerful reform tool and that the legal system can be a catalyst for change. Tradition is another key hindrance to the enforcement of fundamental human rights and freedoms as defined by international treaties. Even though there are laws prohibiting specific practises, such as widowhood rituals, putting them into practise is difficult due to the deeply established nature of the practise in Ghanaian culture.

Bridging the gap between aspirations of global justice and reality is challenging due to the channels and filters through which international transit is routed before being adopted into national law.

Bell (1991), cited by Tei-Ahontu (2008), observes that because norm-enforcing machinery is established locally, it is subject to the influence of local circumstances. Shows that how a country is set up can change how treaties are put into place.

The occurrence of governments ratifying specific agreements on a conditional basis explains this. When components of a convention conflict with national laws and/or practises, a country is justified in signing the agreement with reservations. This suggests that tradition and culture have a substantial impact on how international accords are applied and enforced. Boas uses the example of Ghana, where earlier legislation was difficult to pass due to cultural and religious divides.

Human rights as a Western ideal, according to Saksena (1989), which is cited by Falk (1991), complicates their acceptance. He emphasises, however, that this might simply be a pretext for states to ignore their international duties. Another thing that makes it hard for international human rights agreements to be implemented is keeping things the same.

According to Howard (1991), some people, regardless of how well-known or successful they are, may choose not to say things that appear to be contrary to the norm because they may be perceived as impossible.

Bell (1991), who highlights the importance of culture in moulding one's consciousness while establishing international human rights standards, summarises the value of culture in creating one's consciousness as follows: Culture is the source of both individual and communal worldviews; it gives values and interests for individuals and communities to pursue in life, as well as the means to protect them. It establishes the norms and values that influence people's ideas of their own self-interest, as well as the goals and strategies of individual and collective dominance struggles within and across societies. As a result, culture is a substantial predictor of a community's consciousness and experience, as well as a major determinant of an individual's socialisation. Because culture is so pervasive and profoundly ingrained in our self-identity and consciousness, its impact on human behaviour is sometimes overlooked (Bell, 1991).

This could indicate that some patterns of behaviour and conduct established by individuals become more difficult to change. Thus, when a person develops

mental modules that are in line with the rules and values that he or she has been exposed to, it is hard to get rid of them.

Despite the numerous limits, Steiner, Henry, Alston, Philip, Goodman, and Ryan (2008) are optimistic that it is precisely these difficulties that require states to commit to taking appropriate steps aimed at eliminating or moderating particularly damaging or discriminatory behaviours.

Customary rules and practises may contradict the prohibitions contained in the language of the ICCPR and CEDAW, as well as the actions taken by the treaty authorities. Remember Articles 2(f) and 5(a) of the Convention on the Rights of the Child, which require states to take all reasonable steps to change or eliminate conventions, practices, and social and cultural patterns of behaviour that constitute discrimination or are based on a concept of inferiority or stereotypical roles for women (Steiner et al. 2008:542). To mitigate the impact of tradition on fundamental human rights and freedoms, Ghana's 1992 constitution established task chiefs as custodians of customs and traditions with the authority to assess and change detrimental traditional practises. Article 272 says that the National House of Chiefs will (c) look at traditional traditions and practises and try to get rid of those that are out-of-date and bad for the community.

It is worth noting at this point that chief have really done very little to carry out this constitutional obligation. In their paper, "Advocacy for Better Women's Rights Implementation in Ghana," Coker-Appiah and Foster (2011) ask traditional leaders to do their job and help get rid of all old and harmful traditions.

A new article on [www.myjonline.com](http://www.myjonline.com) demonstrates that chiefs can truly use their authority to eradicate harmful traditional practises. According to reports, the Paramount Chief of the Bongo Traditional Area in Ghana's Upper East Region has prohibited the practise of forcing widows to strip naked in public (Mba, 2006).

According to (Tei-Ahontu,2008), the continuous disputes demonstrate that whatever obstacles tradition presents to implementing international human and degrading behaviours are either amended or eliminated in accordance with international human rights standards. The Women's Manifesto for Ghana advocates for the complete incorporation and enforcement of human rights instruments into national law. This is because, if completed, it will have the effect of revising national legislation and ensuring the abolition of all discriminatory laws and practises.

## **RESEARCH METHODOLOGY**

For this study, an ethnography-based research design was used. Creswell & Poth(2016), stated that ethnography is researching a group's mental activities, such as their thoughts and beliefs conveyed through language and their material activities, such as how they interact with each other in terms of the researcher's observations of the acts they take, is an important part of ethnography (Fetterman, 2010). In other words, patterns of social structure (such as social networks) and conceptual frameworks are of interest to the researcher (e.g., worldview, ideas; Wolcott,2008).

Ten (20) widows from the Talensi and Nabdam districts were selected for the study using purposive sampling approaches.

## RESULT AND DISCUSSION

### Similarities in the practices

A comparison of the two districts presents interesting intra and inter-district similarities and differences. In both districts, two funerals are carried out for the deceased whether male or female. The “*Kumaa –re Maling*” (fresh funeral Rites) and the “*kuu –kpee Maling*” (Final Funeral Rites).

1. The Talensi and Nabdam both practiced the custom of widowhood rite; In that custom where a man died and left behind a wife, the widow must go through a process of mourning both in the fresh funeral (“*Kumaa –re Maling*”) and the final funeral rites (“*kuu – kpee Maling*”).
2. In both tribes, the widows go through a period of confinement during which her movement and liberties are restricted.
3. In both tribes, widows only wear a piece of cloth called “*Voak*” or “*liigu*” that covers the private part throughout the funeral process.
4. Both tribes practice the ritual of shaving of hair and further permit their widows to touch their husbands before burial.
5. Similar reasons are presented for the practice of widowhood rites in both districts. They explain that it is their tradition, and they must follow it; it is a show of love to the deceased man; seeks to separate the spirit of the deceased from the living spouse; to determine the innocence of the widow in the death of the husband.
6. Regarding widowhood inheritance both practiced the custom of widow inheritance where a relative of the deceased inherited the widow and property of the deceased. This inheritance takes the form of the male child inheritance either young or matured. The practice was generally accepted and therefore saw the involvement of clan heads, extended family, and the whole community members. Elders sat down to discuss and choose a successor of the deceased who was responsible enough to take care of the widow and her children.
7. Widowhood inheritance in both districts therefore takes place in polygamous homes where the successor to the deceased already has a wife or wives.
8. Finally similar reasons were espoused for practicing widowhood inheritance in the districts. Such reasons ranged from the need for the widow and her children to be taken care of by the relatives of the deceased to the need to maintain and enhance the existing family ties.



### Differences in the Practices among Talensi and Nabdam.

There abound inter and intra district differences in both practices. The widowhood rites for Talensi district lasts for maximum of eight days whilst that of Nabdam extends to ten days.

1. Whilst the Taleng Group under Talensi District, widow do not hold the calabash as a symbol of husband, the Namoo Group under the Talensi District and the Nabdam widow holds it for such as reasons other than just a symbol of her husband. They also use the calabash to cover widow head and sacrifice hen on her. The calabash is smeared with flour and put on her. It is also a sign that they are about to bury her deceased husband.
2. Regarding the aspect of using animal skin to cover the private parts of the deceased, the Taleng Group under Talensi District widow would, together with her eldest son and daughter, sit on the sheep and an elder will slaughter it. The Namoo Group under the Talensi District and the Nabdams on the other hand would strangle a goat and part of the skin is used to cover only the private part of the dead for burial which is termed as (*"kumo-suuoluko"*).
3. Among the Zolibas of Nabdam district, the skin of the deer (*Walig bong*) which is termed as (*"kumo-suuoluko"*) is used to cover the private part of the deceased.
4. Nabdams further make the widow to pass through the small hole in the round room (*"zong"*) where the husband will be dressed for burial. Whereas the Taleng Group under Talensi widow baths or massages the deceased husband as a farewell gesture, the Namoo of Talensi district touch or massage him from head to toe before burial.
5. Again, the Namoo of Talensi District and the Nabdams use a braided white fabric around the chest of the widow whilst the Taleng of Talensi district use a rope around the neck of the widow including the practice of rope changing by the sister-in-laws.
6. Also the Taleng Group under Talensi District widow does not bath at the refuse dam, does not take concoction in the calabash neither does she goes to the river side to bath. These are practices that Nabdams and the Namoo of Talensi District perform. The Nabdams further use cotton to block the ears of the widow during wake keeping and at the back of the house she does not see the burial of her husband.
7. Even though the Talensi and Nabdam both practiced the custom of widow inheritance, there were minor differences in how the practice was carried out. There were differences in which relative succeeded the deceased.
8. The Taleng Group under Talensi tribe perform rites of bring out a bunch of millet, arrow, and hen and the elders of different clans take it away. The Namoo under Talensi Tribe and the Nabdam perform a rite of breaking of *"Luuk"* by asking the late husband of the widow first male child to bring out the arrow bag called *"Luuk"* and the properties of the father which the elders shall give to him and tell him that your father is no more from today.

9. The inheritor under Namoo in Talensi and the Nabdams will provide the widow with bunch of millet, guinea flow to prepare T.Z for the elders in the funeral house and later in the night she will prepare T. Z and move to the inheritor's room or house and pass the night with him.

10. Another custom called "*Belung*" is practiced among the Taleng Group under Talensi where the inheritor will go to the widow's parent's house to greet them and ask them to come to his house for rites to be performed. Normally the inheritor will provide a two fowls and goat for the in-laws and one of the fowls is for "*Dakore-Korit*" (old brother in – law) and the other fowl is for "*Dakore-saani*"(new brother in – law). The widow is your legal wife and if she bears children they belong to the inheritor.

11. Among the Namoo in Talensi and the Nabdam after widow is remarried and gives birth the children belong to the dead person unless the direct brother of the deceased that the children belong to the inheritor. Unlike the Taleng among the Talensi, the new children that the widow will bear belongs to the inheritor.

12. The custom of widow inheritance as practiced by the Talensi and Nabdam was legally binding in because it was reasonable, long established, uniformly observed and certain. The custom was reasonable because it was beneficial to both the widow and the family of the deceased.

13. After the death of her husband, the widow received emotional and financial support as well as security from the deceased's family, while the deceased's family continued the deceased's lineage and ensured that property and land remained in their family. The custom had been in place for a long time among the two tribes, who had all practised widow inheritance since pre-colonial times. As a result, the custom was well-known and certain among the two tribes.

14. The ritual was kept equally within the two tribes, and widows followed it after their husbands died. The way the two tribes practiced the custom has changed, but it is still legally binding in modern-day Ghana since it is logical. The modifications in the practise are also uniformly practised, long-established, and certain.

The similarities and differences were since, according to Fortes (1949), the Talensi society was comprised of two main groups - The Tale the first comers or the original inhabitants and the migrants Namoo group together with Nabdam people that trace their origin to the Mamprugu society across the White Volta.

The Tale group provided the Tindana who maintained the ritual custody of the society and managed the earth shrines and ancestor shrines as well as the festival cycle deity. The Tale group was havening their way of doing their widowhood and widow inheritance and how widows go through these rites. The Namoo group also came from Mamprugu society enshrine as a paramount chief have different way of doing widowhood and widow inheritance but because they came to settle together which cause their culture to influences each other hence the similarities and differences.

## **Human Rights Implication of Widowhood Rites Practices**

In Sub-Saharan Africa (SSA), popular perceptions of widowhood are of 'discrimination, deprivation, and pain faced by women who are frequently 'deprived of property and assets' following the death of their spouse. Indeed, literature refers to the fact that widowhood ceremonies and inheritance are barbarous and a violation of widows' fundamental human rights. In an essay titled "widowhood rites dehumanise women," Madam Betty Ayagiba, (2010) stated that women, particularly widows, face several human rights violations in the name of culture. Memory Jayne Tembo's study on Structural Violence Against Women In Relation To The Traditional Practice Of Wife Inheritance According to The Case Of Malawi (2013), certain clansmen display blatant insensitivity to changing requirements and distinctive circumstances unique to each contemporary widow's situation by coercing widows into accepting inheritance despite the widowers' freedom to marry any woman they desire at any time. A resolution adopted by participants at the first international conference on widows emphasised further those widows worldwide face numerous but often hidden human rights violations, rendering them invisible. Such violations include:

1. Subjugation and neglect
2. The classification of individuals as objects, commodities, or chattels
3. Refusal to provide access to education, health care, and other essential services
4. There are numerous barriers to accessing justice systems.
5. Denial of their liberty and self-sufficiency
6. The legal implications of cultural traditions and their place in the modern world are called into question by positions like this one.
7. Various forms of violence Extreme poverty Social and cultural exclusion and marginalization

## **Tradition, Beliefs and Practices in modern day legal system**

The legal systems of most African countries are a mix of different sources of law. These include legislation enacted by parliament, customary law, religious law and other laws such as common law or civil law depending on the country's colonial history.

In the Ghanaian case, statutory laws and customary laws are practiced side by side. Customary law is the indigenous law of various ethnic groups in Africa. It has its source in the practices and customs of the people. It is the oldest law known to

man and has a great impact on the lives of many Africans in matters such as marriage, inheritance and traditional authority.

The constitutional laws of Ghana are hinged on the customs, norms and traditions of the various ethnic groups.

This makes the customs and traditions of the people is an integral and respected component of the constitution of Ghana as stipulated in article 11. Article 11 says that the laws of Ghana shall comprise:

1. The constitution.
2. Enactments made by or under the authority of the parliament established by the constitution.
3. Any orders, rules and regulation made by any person or authority under a power conferred by the constitution.
4. The existing law or the written and unwritten laws of Ghana that existed immediately before the coming into force of the 1992 constitution: and
5. The common law

Consequently, the cultural and/or traditional practice by a people is considered legal and accepted as it falls within the aspect of existing law. This includes the widowhood rites and widowhood inheritance as practiced by the people of the Talensi and Nabdam districts of the Upper East Region of Ghana.

### **Rights of women in the Study Areas**

When the elders and opinion leaders were asked what constitutes the rights of women in the Talensi and Nabdam cultures, respondents explained that “women don’t have rights”. In fact, rights of women don’t exist per the cultures. Rather, rights of women were explained in the context of what is expected of women is obedience.

Respondents expressed that a woman is expect:

1. To cook for her husband.
2. To keep the house tidy and maintain a home.
3. To Give birth to children especially male child and take care of them to grow.
4. To Sow crops for her husband and parents.
5. To be married
6. To live
7. To be provided for
8. To be submissive to their husbands, fathers, and brothers.

Though this may seem extreme, it goes to explain how women’s rights are understood from strictly a cultural point of view. Responses such as the above clearly show the emphasis on responsibilities to the neglect of their rights. All interviewees maintained that the processes followed in conducting the widowhood

rites and widowhood inheritance remain as handed down from generation to generation and that nothing has been added. It is safe to conclude that efforts to consider the practice as violation, infringement, strenuous and injurious to widows is out of place because one cannot violate what don't exist.

Respondents (elders and opinion leaders) rather accused formal education, Christianity, government institutions and Non – Governmental Organizations (NGO's) as the ones trying to label their culture and practices as 'something that negatively affect women'. Indeed, all the negative connotations used to describe the practices were coined by such external actors. Adjectives such as 'violation', 'infringement', 'strenuous', 'injurious', 'barbaric', 'negative practices' are borrowed foreign jargons and therefore alien to the custom of the people. Perhaps this is because analysis of issues of rights and the rights of women are done not within the context and culture under study but analyzed against the national and international legal system or framework. A cursory look at such legal framework presents the following as the rights of women.

1. The Right to Dignity Persons' Rights to Life, Integrity, and Security
2. The Right to Matrimony
3. Equal Protection under the Law and Access to Justice
4. Rights to Health and Reproduction
5. Food Security as a Human Right
6. The Right to Affordable Housing
7. The Right to a Sufficiently Positive Cultural Context
8. Rights of Positive Cultural Context
9. Inheritance right
10. A person's right to life.
11. The equal rights of men and women.
12. The right to personal liberty and security.
13. Equal protection under the law.
14. The right to be free of prejudice in all its manifestations.
15. The right to the best possible physical and mental health.
16. The right to reasonable and beneficial working circumstances
17. The right not to be tortured or subjected to other inhuman or humiliating treatment or punishment (1992 Ghanaian Constitution, CHRAJ, CEDAW, and African Charter on Human and Peoples' Rights)

This is not to suggest that, because culturally women do not have rights makes it right and everything carried during widowhood rites and inheritance is without the extreme but to bring to light the fact that actors and proponents of women empowerment have over the years unjustly misinterpreted such cultural practices without due analysis within the respective cultures. The derogatory adjectives are foreign and not cultural. What is considered as violence against widows is

submission in a world that is strongly influenced on all socioeconomic levels by the patriarchal ideology, which revolves around unequal power distribution and domination by men.

This notwithstanding, weighing the widowhood rites and inheritance as against the above listed fundamental human rights of especially women displays issues of violation. Aspects of the rites and inheritance practices present issues of force, show of nakedness of the widows, preferential treatment for widowers as against the widows, name calling and raining of insults, pain and ritual servitude among others. Such practices obviously are contrary to the right to equal treatment, right to be free from all forms of discrimination, right to dignity etc.

The argument is that even though Ghana has national laws, Non – governmental organizations and signatory to many international laws which fight for women’s rights in the country, little has changed in terms of their human rights. However, there is need for both national laws and the international laws to find ways of reconciling the conflict in the customary law and women’s human rights to enhance women’s ability to actualize their rights.

### **A strategy to improve the work**

A critical analysis of the practice of widowhood rites shows that those at the centre of the practice and the ones who perform the rites on the widows are their fellow women. A similar study in the Talensi by Gregory Lierfu Dery on Widowhood Rites among the Talensi of the Upper East Region (2016), confirmed this fact. The Coalition on the women’s manifesto (2004), also identified that most often women become the enforcers of negative customs against fellow women in their capacity as custodians of practices in case of female genital mutilation and widowhood rights. The role women play in the practices makes it crucial in the process not only as victims but also the enforcing authority. Past and present effort and focus of support has however targeted women only as victims ignoring the other crucial role that is played. This is evident in most interventions targeted at women and widows. The focus of Widows and Orphans Movement in the 2012 areas of intervention centred on liaising with chiefs, traditional authorities, Tinadans and other duty bearers towards abolishing harmful cultural practices and support to women in the form of economic empowerment. Some of their activities for that year include:

1. Supported the network of widows to develop advocacy plans to meet with duty bearers; campaign against food taboos and forced confinement of widows during widowhood rites.
2. Organized a procession and a durbar for the enactment of LI on the Domestic Violence act and the complete abolition of forced confinement of widows, to mark the annual widow’s day.

The coalition on the Women's Manifesto for Ghana also had a similar focus. Most of the NGOs and support systems working with widows and other vulnerable groups approach widows purely as victims that need economic support.

As a strategy to ensure success in working with widows, the researcher proposes that older women should be canvassed as agents of change. Future interventions and support should take a step further to identify all the older women that are the enforcers and custodians of the practice of widowhood rites. They should be organized into a group and used to effect the change that is needed. The reason is that when interventions get them to buy the idea of change, then they can push the traditional authorities for change as the custodians of the practice rather than when they are by-passed, then it will prolong the desired change.

## **CONCLUSION**

The study made the following conclusion;

1. Critically examining of the practice's present other forms of violations, the right to dignity, the right to life, right to health, right to education, the right to integrity, the right to equality and freedom from discrimination, freedom of movement and the right to spouse property. So, looking at these issues, widows are not given opportunities to exercise their rights, but they are told what to do and what not to do. It is largely due to the practices performed during the marriage which bonds them to go through this practice and it has been occurring in both districts for many years.
2. The study further indicates that whole widowhood practices as an infringement or violation of human rights may be misleading as the practice is embedded in culture.

## **RECOMMENDATION**

based on its findings, this study make the following recommendation:

1. A critical review of numerous activities is required to eliminate elements of infringement on women's rights. For example, the right to dignity should be evaluated and, if feasible, reformed because culture is supposed to be dynamic, and people's practises should change with time.
2. Rather than having widows exposed naked, drinking concoctions, sitting on the mat naked and not being bitten by ants or other creeping insects owing to the food they eat on the mat, a creative method should be welcomed. This can be solved without violating women's rights.
3. To engage effectively with widows, the researcher suggests enlisting older women as change agents. Future interventions and support should identify all elderly women who enforce and guard widowhood rites.

Clearly, customary, or traditional religious norms govern women's lives in Ghana and other developing countries. This is due to ingrained cultural views, gender, and power disparities. To combat these harmful conventional behaviours, women must be empowered and transformatively involved, individually, and collectively

## REFERENCES

- Amasiatu, I. (2009). Hope for the hopeless: A seminar paper presented on the legal rights of a widow at the 1st National Widow's Conference by women intercessors for the church and the nations. Port Harcourt. *American University Journal of Gender, Social Policy, and Law*. 3(5):456-476.
- Ayagiba, B. (2010). Negative Cultural Practices. A paper presented on widowhood Rites in Northern Ghana in Bolgatanga to promote culture of human rights.
- Bell, D. (1991). Are Human Rights for Women, too. An Australian Case in Abdul-lahi Ahmed An-Nacim (Ed) *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Philadelphia: University of Pennsylvania Press
- Coker-Appiah, D. & Foster. J. (2011) *Advocacy for Better Implementation of Women's Rights in Ghana*. WiLDAF – Ghana.
- Commission on Human Rights and Administrative Justice, (2003). Seventh Annual Report of the state on Human Rights.
- Constitution of the republic of Ghana, (1992). The position of women in Ghana. Accra: Government Printer Assembly Press.
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications.
- Ihekwaaba, O. N. & Amasiatu I. A. (2016). Influence of Widowhood Practices on the Psycho - Social and Physical Health of Widows in Selected States of South-Eastern, Nigeria. *European Journal of Research and Reflection in Educational Sciences*. Vol. 4. ISSN 2056-5852.
- Mba, A. (16th November 2006). Widows Hits the street. *The Ghanaian Times*, p.1.
- Steiner, S., Henry, J., Alston, P., Philip, H., Goodman, T. & Ryan, K. (2008). *International Human Rights in Context* (3rd ed). Law, Politics, Morals. London: Oxford University Press.
- Tei-Ahontu, M. M. (2008). Widowhood Rites in the Ga Traditional Area of Accra – Ghana: Review of Traditional Practices against Human Rights. MA Thesis, Norwegian: University of Life Sciences.
- White S., Kamanga D., Kachika T., Chweza A., & Chidyaonga F. (2002). Dispossessing the widow: Gender based violence in Malawi. Blantyre. Christian Literature Association in Malawi.