THE EXAMINATION OF THE LAW ON BRIDE PRICE UNDER CUSTOMERY MARRIAGES IN UGANDA

BY

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DECLARATION

I declare that this dissertation is my original work and that where other works have been quoted, it is indicated. This work has never been submitted to this or any other university for the award of diploma.

Sign: ..... Date: 21/04/17

NUWASASIRA **JOAB**

APPROVAL

This is to certify that this research report presented by **NUWASASIRA JOAB** entitled the rule against bride price and its influence in customary marriage has been under my supervision and is now ready for submission with my approval

SUPERVISOR Rosemary Kanwel

Signature:.....

Date: 25/4/2017.....

DEDICATION

I dedicate this work to my beloved parents **Mr. TIBATIINA AMOS** and ZERIDA **TIBATIINA** for having taught me to believe in myself and for the great love and ability to support me in my education by providing all the necessities that I needed throughout my education career also to my precious friends. It is through your tireless efforts and desire to wish me well and all the hardships you gone through because of me that I achieve this diploma. May the almighty God bless you in all aspects and make you live longer me as well such that I achieve more in your hands which will mark my better future.

ACKNOWLEDGEMENT

First and foremost I thank the Almighty God for the greatest gift of life he has given me to find that by now I am still living yet others are dying each and every year.

I am greatly indebted to my supervisor for the helpful advice, guidance, criticism and acknowledgement and patience to a larger extent helped to shape up this paper. I thank her very much. May God bless her.

Sincere thanks go to my father, my mother and friends whom we have been within the struggle may God bless them and make them live longer to see more of my future.

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[2015] UGSC 13 (6 August 2015)

LIST OF ACRONYMS

WLSA	-	Women and Law in South Africa
BP	-	Bride Price
DV	-	Domestic Violence
MDG	-	Millennial Development Goal
HCB	-	High Court Bulletin
IPC	-	Indian Penal Code
ICL	-	Indian Civil Law
FIDA-U	-Uganda Association of Women Lawyers	

ABSTRACT

This research paper contributes a vital element to the studies, debates and literature on bride price. While employing a systematic conceptual frame work to ground its analysis of the perceptions, experiences, processes and outcomes of bride price payment, it uses data collected from interviews, literature and observation to bring out the voices and experiences of the people most affected by bride price, that is, the men and women at the grass root whose voice has been missing in literature and debate.

The study focuses on data collection in Uganda to answer the question: How do notions of masculinity/femininity, gender, class and modernisation influences people's experiences and perceptions on bride price?

It also argues that with forces of modernisation coupled with the desire for actors to conform to particular class status, the practice has turned too commercialised, lost its original meaning, and makes women appear like purchased commodities. The prohibitive costs have denied several young men and women a chance to marry.

The paper recommends that much as it not necessary to abolish the practice (as demanded by several activists and legislators), serious reforms are required to remove the commodifiacation and financial motives so as to make it affordable by many intending to marry.

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CHAPTER ONE

1.0 Introduction

This research seeks to review the relevance of bride price in marriages today. This chapter presents the background of the study, objectives of the study, purpose of the study, statement of the problem, research questions, justification of the study, scope of the study, and significance of the study, methodology and literature review.

Dowry refers to the money, goods, or estate that a man brings to a marriage.[1] A dowry consisting of linen and clothing, Dowry contrasts with bride price, which is paid by the groom or his family to the bride's parents, and with dower (Islamic marriage), which is property given to the bride herself by the groom at the time of marriage. The same culture may simultaneously practice both dowry and bride price. Dowry is an ancient custom, and its existence may well predate records of it. Dowries continue to be expected in some parts of the world, mainly in South Asia, especially in India. Disputes related to dowry often result in domestic violence, such as dowry deaths[2].

A custom (also called a tradition) is a law or right or usual way, which is not written and is in practice since a long time. It is anything which lots of people do, and have done for a long time.[3] Usually, the people come from the same country, culture, time or religion. If something is usually done the same way, you might say that is the customary way of doing things.

The meaning of culture is similar to the meaning of custom. A custom is more about practices, while culture is more about ideas or a group of customs. A custom overall is just similar to culture and culture means the way of life of a people. Customary law is the written and unwritten rules which have developed from the customs and traditions of communities.[4]

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[1]Nsereko, 2000
[2]Dowry-reference.com, from Columbia Electronic Encyclopedia, 2004
[3] https://simple.wikipedia.org/wiki/Custom, 14/4/2017.
[4] 9manual, Customary Law, https://section27.org.za/wp-content/uploads/2010/04/09Manual.pdf,14/4/2017

The Constitution of Uganda[5] provides that every person has a right as applicable to belong to, enjoy, practise, profess, maintain and romote any culture, cultural institution, language, tradition, creed or religion in community with others. This practice of culture is limited under Article 2(2)[6] that it should not be contrary to the provisions of the mother- law. S.1[7] defines customary marriage to mean a marriage celebrated according to the rites of an African community and one of the parties to which is a member of that community.

Bride price therefore is a form of appreciation to girl's parents for raising a bride and a token of gratitude for their kindness in now letting them marry her[8].

1.1 Background of the study

Bride price, best called bride wealth, also known as bride token, is money, property, or other form of wealth paid by a groom or his family to the parents of the woman he has just married or is just about to marry. Bride price can be compared to dowry, which is paid to the groom, or used by the bride to help establish the new household and dower, which is property settled on the bride herself by the groom at the time of marriage.[9]

Some of the marriage settlements mentioned in the *Iliad* and *Odyssey* suggest that bride price was a custom of Homeric society. The language used for various marriage transactions, however, may blur distinctions between bride price and dowry, and a third practice called "indirect dowry," whereby the groom hands over property to the bride which is then used to establish the new household.[10] Homeric society is a fictional construct involving legendary figures and deities, though drawing on the historical customs of various times and places in the Greek world.[11] At the time when the Homeric epics were composed, primitive practices such as bride price and

[5] Article 37 of the 1995 constitution of the Republic of Uganda
[6] Ibid
[7] Customary Marriages (Registration) Act Cap.248
[8] Merriam-Webster online dictionary, https://www.merriam-webster.com/ 1/4/2017
[9] *Dalton, George. "Brief Communications: "Bridewealth" vs. "Brideprice" American Anthropologist, 2015*
[10] *Waweru, Humphrey, The Bible and African Culture. Mapping Transactional Inroads, African Books Collective. 2012, p. 170*
[11] *Stange, Mary Zeiss; Carol K. Oyster; Jane E. Sloan, Encyclopedia of Women in Today's World, Volume 1. SAGE, 2011, p. 496.*

polygamy were no longer part of Greek society. Mentions of them preserve, if they have a historical basis at all, customs dating from the Age of Migrations.[12]

In the Iliad, Agamemnon promises Achilles that he can take a bride without paying the bride price, instead receiving a dowry.[13] In the Odyssey, the least arguable references to bride price are in the marriage settlements for Ctimene, the sister of Odysseus;[14] Pero, the daughter of Neleus, who demanded cattle for her;[15] and the goddess Aphrodite herself, whose husband Hephaestus threatens to make her father Zeus return the bride price given for her, because she was adulterous.[16] It is possible that the Homeric bride price is part of a reciprocal exchange of gifts between the prospective husband and the bride's father, but while gift exchange is a fundamental practice of aristocratic friendship and hospitality, it occurs rarely, if at all, in connection with marriage arrangements.

In parts of Africa, a traditional marriage ceremony depends on payment of a bride price to be valid. In Sub-Saharan Africa, bride price must be paid first in order for the couple to get permission to marry in church or in other civil ceremonies, or the marriage is not considered valid by the bride's family. The amount can vary from a token to a great sum, real estate and other values. The amount includes a few to several herds of cattle, goats and a sum of money depending on the family. The cattle and goats constitute an integral part of the traditional marriage for ceremonial purposes during and after the original marriage ceremony.[17]

The beasts and money are not always paid all at once. Depending on the wealth of the groom he and his family can enter into a non written contract with the bride's family to pay what he owes within a specified period of time. This is done to allow young men who do not have much to marry while they work towards paying off the bride price as well as raising a family or wait for their own sisters and aunts to get married so they in turn can use the amounts received to offset

[12] *Bennett, T.W, Customary Law in South Africa. Kluwer. 2004, p. 223.*
[13] Ibid
[14] *Ramet, Sabrina P, Religious policy in the Soviet Union, Cambridge: Cambridge UP, (1993), p. 220*
[15] *akhimdinova, Aijan. "Kyrgyz Bride Price Controversy.". IWPR Issue 17, 22 Dec 05. IWPR. Retrieved 25 September 2011.*
[16] Ibid
[17] *French, Howard W, "In a Richer China, Billionaires Put Money on Marriage"2006-01-24).*

their debts to their in-laws. This amount must be paid by his family in the event he is incapacitated or dies. It is considered a family debt of honor.[18]

The bride price tradition can have destructive effects when young men do not have the means to marry. In strife-torn South Sudan, for instance, many young men steal cattle for this reason, often risking their lives.[19] In mid twentieth century Gabon a person's whole life can be governed by the money affairs connected with marriage; to secure a wife for their son, parents begin to pay instalments for a girl of only a few years; from the side of the wife's family there begins a process of squeezing which goes on for years.[20]

In the African Great Lakes country of Uganda, the MIFUMI Project[21] held a referendum in Tororo in 2001 on whether a bride price should be a non-refundable gift. In 2004, it held an international conference on the bride price in Kampala, Uganda. It brought together activists from Uganda, Kenya, Tanzania, Nigeria, Ghana, Senegal, Rwanda and South Africa to discuss the effect that payment of bride price has on women. Delegates also talked about ways of eliminating this practice in Africa and elsewhere. It also issued a preamble position in 2008.[22] In 2007 MIFUMI took the Uganda Government to the Constitutional Court wishing the court to rule that the practice of Bride Price is un-constitutional. Especially it was complained, that the bride price once taken, should not be refundable if the couple should get a divorce. But there is to consider, that MIFUMI is far away to represent the Ugandan women or even the whole society. The case was heard in September 2009 but lost against the Uganda Government. Traditional or customary law can in no way be changed by few activists from an international NGO like MIFUMI, but only from inside the whole indigenous society.

Changing customary law on bride price in Uganda is difficult as it is guarded by society, which is especially in the rural areas approving its relevance. The whole culture of the People of Ankole is deeply connected to the institution of bride price. Its custom connects families for a lifetime and women are proud on the extremely high value they receive, comparing to the Baganda or the Rwandese. It is not rare, that the groom has to give his bride huge amounts of

[18] Ibid
[19] The MIFUMI Project, 2008.
[20] "MIFUMI Preamble on Bride Price for Tororo Ordinance 2008"
[21] Ibid
[22] Development and Cooperation, Vol.36, No.11_2009.

cattle and also a house, car and other property. Of course depending on the value of the bride (schooling, degrees) but also on his own possibilities. This corresponds with the bride price customs in China; the rich one has to give otherwise it can be even taken by the bride's family forcefully.

On the other hand, a rich man marrying an educated woman, who has spent millions on her education in the expensive Ugandan education system, is willing and proud to show up and pay. To show the whole world and especially the whole family of the bride who they are and what richness they achieved. It's a question of honor. But there are also others, who take loans to be paid back within many years, just to marry the woman they love. In other instances, people marry at an advanced age, as they still need more time to acquire enough property to marry their wives officially. Customary law is also considered more than just bride price but other rituals and ceremonies that enrich Ugandan cultures. Of course, next to constitutional changes, changes in customary law would be necessary to abolish the practice.[23] And customary law is not changeable by decision, but develops itself alone.

In sub -Saharan Africa, the visits between families to negotiate the bride price are traditional customs that are considered by many Africans to be central to African marriage and society. The negotiations themselves have been described as the crucial component of the practice as they provide the families of the bride and groom the opportunity to meet and forge important bonds. The price itself, independent on his value, is symbolic, although the custom has also been described as the license of owning a family in the African institution of marriage.[24] In some African cultures, the price of a bride is connected with her reputation and esteem in the community (Ankole, Tooro), an aspect that has been by foreighners criticized as demeaning to women. In some African cultures, such as the Fang people in Equatorial Guinea, and some regions in Uganda, the price is considered the "purchase price" of a wife. One point of critics says, that the husband so might exercise economic control over her. The constitution of Uganda provides for fundamental freedoms[25] and rights and any other law should not act contrary.[26]

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[23] Waweru, Humphrey, *The Bible and African Cultur, Mapping Transactional Inroads,* African Books Collective. 2012, p. 170
[24] Ibid
[25] Supra Chapter Four

1.2 PROBLEMSTATEMENT

The laws of Uganda are silent about bride price in marriages however it is regarded as a form of appreciation to girl's parents for raising a bride and a token of gratitude for their kindness.[27]The Constitution of Uganda[28] provides that every person has a right as applicable to belong to, enjoy, practise, profess, maintain and romote any culture, cultural institution, language, tradition, creed or religion in community with others. This practice of culture is limited under Article 2(2)[29] that it should not be contrary to the provisions of the mother- law.[30] S.1[31] defines customary marriage to mean a marriage celebrated according to the rites of an African community and one of the parties to which is a member of that community.

The Customary Marriages (Registration) Act does not mention anything about bride price nor does the Marriage Act[32] however the payment of bride price has been witnessed through case laws. In 2007 MIFUMI took the Uganda Government to the Constitutional Court wishing the court to rule that the practice of Bride Price is un-constitutional. Especially it was complained, that the bride price once taken, should not be refundable if the couple should get a divorce. But there is to consider, that MIFUMI is far away to represent the Ugandan women or even the whole society. The refund of bride price was regarded unconstitutional by the Supreme Court of Uganda[33]

Bride price has ended up affecting marriages denying women rights over the properties, inheritance, movements and socialization with other people which contrary to Article 2(2) and chapter four on Bill of Rights[34] since there is no specific law on bride price, there is no control on how much someone can pay it remains negotiateble between two families which has now turned into selling and buying of women hence violence and instability in families. There

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[26] Ibid Article 2(2)
[27] Merriam-Webster online dictionary, https://www.merriam-webster.com/ 1/4/2017
[28] Article 37 of the 1995 Constitution of the Republic of Uganda
[29] Ibid
[30] Ibid
[31] Customary Marriages (Registration) Act Cap.248
[32]

[33] Mifumi (U) Ltd & Anor Vs Attorney General & Anor (Constitutional Appeal No. 02 of 2014) [2015] UGSC 13 (6 August 2015)

[34] Supra

Constitution allows its applicability as long it does not contravene the provisions; however there is no specific law on checks and balances on which custom has gone beyond and no boundaries are set by the Constitution.

The researcher got interested in carrying out research to find out recommendation on how bride price can be regulated in order to bring stability in families.

1.1 General Objective of the study

Bride price has been regarded as "a human purchase" as a tool of domestic violence in the marriages. The researcher is therefore interested in finding out how the law and institutions intervened to curb down the vice of bride price and the stability of marriages in Uganda.

1.1.1 Specific objectives

1. To examine the role of law and institutions in protection of women rights against bride price as a custom in Uganda

2. To find out the impacts of bride price under marriages in Uganda

1.2 Research Questions

1. What is the role of law and institutions in protection of women rights against bride price as a custom in Uganda?

2. How has bride price influenced marriages in Uganda?

1.3 Significance of the Study

Married women's rights have been abused because bride price. This has led to instability in many families in Uganda. Many women have been victims' domestic violence. At times, Women are battered, mistreated, tortured. Therefore the research will be useful as an eye opener to those engaged in protection of women rights and also provide a clue to Authorities on how to curb down the vice in marrieges. The study will also be useful to Government and policy makers and

provide a guide on the design of the appropriate law and policies aimed at combating the vice. Lastly, it will stimulate future academic research on bride price and marriages in Uganda.

This report will contribute to the knowledge and will the assessment of the strengths and weaknesses of law and the recommendation for reform that it will suggest in the last chapter

1.4 Scope of the study

Content Scope

This research concentrated on the examination of the influence of bride price in marriages, its rationale. How it has affected marriages and the examination of customary law in Uganda.

Geographical scope

This study was carried out in Uganda. This is because has many customs, the Constitution allows its applicability as long it does not contravene the provisions, however there is no specific law on checks and balances on which custom has gone beyond.

Time scope

This study was based on the period between 1962 to 2016. This period was considered crucial since most of the bride price influences were registered between these periods.

1.5 Methodology

The researcher study adopted qualitative method of research, this was because qualitative method allows the researcher to go deeper into the research problem and it provides a more profound understanding of the phenomenon. Secondly, it makes the study easier since it will involve analysing of instruments and review of existing literature to formulate a conclusion and a workable recommendation.

Through qualitative research, the researcher will generate a more detailed view of the situation through different perspective aimed at developing a full understating of the case possible. The researcher will use primary sources which include; Enactments of parliament plus decided cases where bride price has been an isse. The researcher will also use secondary sources which

include; literature such as text books, articles, news papers, reports and journals by visiting libraries and internet websites

1.6 Literature Review

Majundar, Maya[35] states that dowry is a common practice in some parts of the world, especially in South Asian Coutries such as India, Bangladesh, Pakistan, Sri Lanka and Nepal

Dowry is most common in patrilineal societies, which expect women to live with or near their husband's family. The dowry system does not exist in Bhutan; inheritance is matrilineal, and daughters do not take their father's name at birth, or their husband's name upon marriage. Rural land may be registered in a woman's name. Women own businesses, and both polyandry and polygamy are socially accepted, with polygamy being more prevalent. Sometimes a prospective groom will work in the bride's family's household to earn the right to marry her.[36] The researcher based his research in South Asian Countries whereas the researchers report is based in Uganda.

According to Jane E. Sloan [37]**.** In India; 'dowry payment of cash or gifts from the bride's family to the bridegroom's family upon marriage, It may include cash, jewelry, electrical appliances, furniture, bedding, crockery, utensils and other household items that help the newlyweds set up their home. Control of the dowry belongs to the bride in theory; although in practice control often transfers to the husband and in-laws, and grooms sometimes extort large dowries. In rural Pakistan, dowry values are still relatively low around 12% of a household's annual (non-durable goods) expenses. Also, in rural Pakistan it is standard for the bride to maintain control over her dowry after marriage, rather than control of the dowry being given to the in- laws. The pressure among some Pakistanis to provide a large dowry results in some

[35]Majundar, Maya Encyclopedia of gender equality through empowerment sarup and sons, 2005.

[36]Stange, Mary Zeiss and Carol K. Oyster, Jane E. Sloan (2011), Encyclopedia of women in today's world, volume 1 sage p. 43

[37]The 1961 Dowry probitation Act in India Civil law.

bride's families going into debt, including debt servitude; some brides build up their dowry with their own earnings if they work outside the home. The debt trap created by providing large dowries puts pressure on parents aspiring to arrange a marriage for their daughter(s) into a better social class. It is also cited as a reason for the current trend toward delayed marriages. Arranged marriages among first cousins are common, since they provide a way of keeping dowries within an extended family.[38] The author did not put into account the Ugandan status on bride price and how it influences marriages. This will be handled by the researcher.

Menski[39]**,** Afghanistan seems to simultaneously practice both dowry and bride price, although the practice differs between different tribal and ethnic groups. In Afghanistan, a marriage typically requires two kinds of payments: a mahr, which typically consists of livestock, property and money, and in practice often takes the form of a bride price paid to woman's family; and a dowry brought by the bride to her husband's home which may include various goods such as clothing, bedding and household utensils. Parents frequently arrange marriages for daughters at a young age, in order to end their economic responsibility for their daughter or receive payments. Human trafficking is a related social problem. Prostitution networks in the region purchase girls from parents. In Rome a dowry was called donation propter nuptias. The meaning of this term is a gift on account of marriage, specifically a gift from the bridegroom to the bride, as explained in the Gai Maccoll at el (1998), In England, failure to provide a customary, or agreed-upon, dowry could cause a marriage to be called off. William Shakespeare made use of such an event in King Lear: one of Cordelia's suitors gives up his suit upon hearing that King Lear will give her no dowry. In Measure for Measure, Claudio and Juliet's premarital sex was brought about by their families' wrangling over dowry after the betrothal. Angelo's motive forswearing his betrothal with Mariana was the loss of her dowry at sea.[40]

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[38]Dowry prohibition (Amendment) ordinance, 1996
[39]Menski, werner (1998). South Asians and dowry problem.Tren than Books p. 109
[40] Gail Maccoll and Carol McD Wallace to marry an English Lord pp. 166-7.

According to **Borah, Dalmia and Lawrence**[41] they said that, it is important to note that exchange of money and goods to solemnize marriage is by no means unique to Africa, but occurs widely across the world in different forms[42]. In Western and other countries, for example, the bride groom may give a costly diamond ring. Many Arab and Islamic states consider bride wealth as a fundamental requirement of marriage, in terms of Marbr the practice has similarities with that of dowry, common in the Indian sub-continent, where goods and monies are given to the husband's family by the bride's family (and thus usually pass in the opposite are given direction to the bride price)

According to Oguli Ouma, [43] he said that bride price or bride wealth, used to validate customary marriages, is a common practice in many African countries. Typically, bride price consist of a contract where material items (often cattle or other animals) or money are paid by the groom to the bride's family in exchange for the bride, her labour and her capacity to produce children.

According to **FIDA-U,** [44]**.** they said that increasingly, in urban areas, the practice is changing, so that money and goods (rather than animals) are more commonly given in the form of non-refundable gifts. However, in rural communities (through varying by ethnic/tribal group, tradition and culture), more traditional bride-price practices remain extremely common and tend to be accepted as the cultural norm. In a study carried out by Uganda Association of Women Lawyers, 96% of the respondents stated that bride price is needed to validate a marriage

According to **Matembe and Dira**[45] tradition of bride price is believed to have operated beneficially to give formal recognition to marriages and protection to wives against abuse, to stabilize the partnership and to join the two families together. Today, however, the practice

[41] The Quran chapter 4 verse 4
[42]2005, 2008; examining major contents.Case Study ofss Newspapers coverage of dowry in India 1999-2006 in Asian Journal of Communication, Institution of Dowry in India.
[43]2004: Bride Price and Violence of against women. The case study of Uganda, paper presented at International bride price conference, February, Kampala Uganda
[44]1996: A research Project on Marriages its rights and duties and marital rape, Paper 4,2
[45]2004: Bride Price, a Rights based view, the relationship between domestic violence and bride price.

appears to have become commercialized and to have lost much of the traditional value in many instances. Bride price can appear to be 'buying' of a wife as a commodity, which can result in abuse towards a woman if she does not fulfill her 'value' or if she attempts to leave and the bride price cannot be repaid.

Kamataka,[46] the expected value of the dowry has risen in some cultures in recent decades. This phenomenon has let to a sharp increase in "dowry deaths" since the 1980s. A "dowry killing" occurs when a new wife is murdered by her husband or in-laws to return the dowry to the bride's parents. Statistics in India show that 90% of such murdered brides were educated, 30% were graduates, and 20% were women who worked outside the home and contributed to the family financially. Dowry kills have been described by women's rights groups as a problem that is typically among the "emergent urban middle class", who aspire to greater material prosperity, and the dowry that comes with a wife is viewed as a means of obtaining money and consumer goods.

According to **Matembe, Sekagya and OguliOumo**[47] they said that it has also been argued that women seeking to divorce can only do so if the bride price is repaid to the husband. In such situations, there is much anecdotal evidence that women leaving their marital homes are likely to be turned away from their natal homes if their families are unable to repay the pride price. Domestic violence and the violation of women's human rights have also been identified by some commentators as associated with bride price, and calls have been made for its reform[48].

According to **Macdonald Levy and McMillan**, they said that, in recent years, the issues involved in the practice of bride price have began to be brought to the fore and awareness has been increasing in Uganda. For example, the 2005 Uganda Poverty Eradication Action Plan

[46] Karnataka Forum from Dignity, Poster in Bangalore, India.
[47] 2005 Funerals, Thefts and Bride Price

[48] 2004: Bride Price and Violence against Women. The relationship between Domestic Violence and bride price

highlighted bride price as the most significant factor holding back women's empowerment (2005:19). In the last few years, there have been demonstrations against bride price in rural Uganda. Bride price reform or abolition has begun to be an issue for legislative change in some countries but there is little existing systematic evidence on which to base these reforms.

1.12 Operational definitions of key terms

"Dowry "refers to the goods or property that a woman brings into marriage.

"Bride price" goods, property and money paid by the groom to the family of his bride.

"Customary marriage "refers to the marriage celebrated according to African customs in a community which one of the parties is a member.

1.13 SNOPSIS:

Chapter Two has the following;

2.0 Introduction

2.1 International and regional legal framework

2.2 National legal framework on women's rights

2.3 Conclusion

Chapter Three has the following;

3.0 INTRODUCTION:

3.1 Positive Impact of Bride Price on Customary Marriages

3.2 Negative Impact of Bride Price on Customary Marriages

3.3 HUMAN RIGHTS IMPLICATIONS

3.4 CONCLUSION:

Chapter Four has the following;

4.0 Introduction

4.1.1 Historical and theoretical context

4.1.2 The positive and negative impacts on bride price

4.1.3 Conclusion

4.2 Recommendations

4.3.1 How could reform be carried out?

4.3.2 National level

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CHAPTER TWO

ROLE OF LAW AND INSTITUTIONS IN PROTECTION OF WOMEN RIGHTS AGAINST BRIDE PRICE AS A CUSTOM IN UGANDA

2.0 Introduction

The culture of Uganda is made up of a diverse range of ethnic groups. Lake Kyoga forms the northern boundary for the Bantu-speaking people, who dominate much of East, Central, and Southern Africa. In Uganda, they include the Baganda and several other tribes. In the north, the Lango and the Acholi peoples predominate, who speak Nilotic languages. To the east are the Iteso and Karamojong, who speak a Nilotic language, whereas the Gishu are part of the Bantu and live mainly on the slopes of Mt. Elgon. They speak Lumasaba, which is closely related to the Luhya of Kenya. With the above, bride price has been considered as part of their customs which infringe on the rights of women as provided for by the law.

Bride price or bride wealth, used to validate customary marriages, is a common practice in many African countries. Typically, bride price consists of a contract where material items (often cattle or other animals) or money are paid by the groom to the bride's family in exchange for the bride, her labour and her capacity to produce children. The entire above, have impacts on the rights of women. This chapter therefore discusses the rights of women as provided for by the law.

2.1 International and regional legal framework

Uganda ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW),[49] in 1985 without reservations[50]. Uganda has also ratified several other United Nations human rights conventions relevant to the rights of women, including the International Covenant on Economic, Social and Cultural Rights[51] and the International Covenant on session on Uganda at the Human Rights Council, ensuring that major issues on

[49] CEDAW Committee, Concluding observations on Uganda, 5 November 2010. In October 2011, FHRI participated in the UPR

[50] Africa for women's rights: ratify and respect!, Dossier of claims, March 2010

[51] In 1987

women's rights were taken up by Member States and addressed to the Ugandan government.[52] Civil and Political Rights in 1995, the Convention Against Torture in 1986 and the Convention on the Rights of the Child in 1990. Uganda has not yet ratified the Optional Protocol to CEDAW. Uganda has also ratified the African Charter on Human and Peoples' Rights (ACHPR) and, in July 2010, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). Uganda is also a signatory to the African Union Solemn Declaration on Gender Equality in Africa.

2.2 National legal framework on women's rights

The Constitution[53]

The Constitution of Uganda of 1995 contains several provisions on the principle of non-discrimination and equal rights of women and men. Under Article 21, All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law..., person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. The Constitution sets the minimum age for marriage at 18 and specifies that "men and women are entitled to equal rights in marriage, during marriage and at its dissolution[54].

Article 33, entitled Rights of women, provides that The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement; Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities; and Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution". This article also provides for special measures to increase women's representation in public life: women shall have the right to

[52] Report of the UPR Working Group, 22 December 2011.
[53] The Constitution of the Republic of Uganda of 1995
[54] Article 31

affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.[55]

Statutory, customary and religious laws

In Uganda, statutory law is applied alongside customary and religious laws. Despite the Provisions of the Constitution, discriminatory statutory, customary and religious laws remain in force, in particular in the areas of family law and property law.

Reforming discriminatory legislation: roles and responsibilities

Responsibility for eliminating law that discriminates against women is shared by the Ugandan Law Reform Commission (ULRC), Parliament and the executive branch of government. The ULRC is a central institution in the planning, preparation and presentation of new Bills. Established as a department of the Ministry of Justice in 1975, the Commission became an autonomous statutory body in 1990 and in 1995 became a constitutional institution. The Commission has a wide-ranging mandate to review and update laws "in line with social, cultural and economic needs and values of the People of Uganda". Although an autonomous body, it depends on the Attorney General's consent or initiative for the conduct of most of its mandate. It plays a specific role in relation to implementing CEDAW recommendations on discriminatory legislation, and keeps track of the Ugandan government initiatives in this regard.[56]

NGOs have taken a lead role in advocating for legal reform to increase protection for women's rights. Undeniably, the passing of the Domestic Violence Bill by the former parliament in November 2009 was a civil society advocacy achievement, as is keeping important pieces of legislation, such as the Marriage and Divorce Bill and the Sexual Offences Bill, on Parliament's agenda.

The role of the Constitutional Court

Use of strategic litigation by NGOs assisted by private lawyers is a strong advocacy tool in Uganda. Several landmark constitutional cases have recently been decided and others are

[55] Ibid
[56] Appendix 2,Ugandan Law Reform Commission Matrix.

pending. FIDA-U and the organisation Law and Advocacy for Women in Uganda have initiated several cases before the Constitutional Court, successfully challenging discriminatory provisions of the Succession Act,4 as well as discriminatory provisions of the Divorce Act concerning the grounds for divorce.[57] In 2007, the Constitutional Court declared a provision of the Penal Code Act,6 concerning the crime of adultery, to be unconstitutional. The provision makes it lawful for a married man to have an affair with an unmarried woman but unlawful for a married woman to have an affair with an unmarried man.

Yet, decisions by the supreme jurisdiction, although legally binding on lower courts, are not necessarily applied in practice, in the absence of law reforms implementing such decisions. The decisions concerning the Divorce Act and the Penal Code Act, are still awaiting law reform to give them full effect. However, on the basis of the decision on the Succession Act in 2006, the Law Reform Commission has recently been directed by the line Ministry (the Ministry of Justice) to work on revising legislation.

Most recently, in 2011, a well organized and active coalition of NGOs introduced a constitutional claim[58] on behalf of two women who died in childbirth, which made international headlines. The petition argues that non provision by the government of essential services for pregnant women and their newborn babies violates the fundamental obligation to uphold the Constitution and defend, protect and promote the right to health and the right to life. The decision in this case is pending. Strategic litigation can lead to effective incentives towards swifter legal reform on key issues pertaining to women's equal rights before the law. It is already envisioned by lawyers[59] and activists as a way to challenge a future Muslim Marriage law if its provisions do not respect the rights enshrined in the Constitution.

The role of the Human Rights Commission

Provided for under the Constitution, the Ugandan Human Rights Commission (UHRC) was established under the UHRC Act of 1997. It has wide ranging powers, including quasi-judicial and investigative powers and a record of independence from executive power. The UHRC

[57] Ugandan Association of Women Lawyers (FIDA-U) v Attorney General (2003)
[58] Constitutional Court Petition Number 16 of 2011
[59] Law and Advocacy for Women in Uganda v Attorney General (2006)

contributed to the government submission to the CEDAW committee in 2010 and is now involved in the dissemination and implementation of the concluding observations. It will play an advisory role in a scheduled mid-term review of CEDAW implementation in January 2012.
The vast majority of cases brought by women to the UHRC relate to child maintenance. Only a very limited number of complaints deal with violations of women's rights, such as domestic violence and land tenure cases. The Commission refers the majority of these cases to the NGO FIDA-U, to the police or to the Children's Court. The Commission is constrained in its action in favour of women's rights, as a result of several factors: a very broad mandate; limited funding; staffing constraints; as well as the prevalence of discriminatory traditions and customs, which require long-term human rights education and awareness-raising to reform.

The role of the Equal Opportunities Commission

The Equal Opportunities Commission (EOC), provided for under Article 32 of the Ugandan Constitution[60], was established in 2007 and has only been operational since mid 2010. It is Composed of five members representing different constituencies (youth, elderly, persons with disabilities, women). The commission has a wide mandate and range of powers, including: conducting investigations, on its own initiative or on receipt of a complaint; educational campaigns; research; issuing recommendations; contributing to legislative processes; preparing and publishing guidelines for implementation of equal opportunities; monitoring compliance with international instruments; settling disputes; and hearing and determining complaints. The EOC has set itself a number of priorities, such as the translation of its mandate in simple terms for dissemination; a mapping of the Ugandan legal framework in terms of equal opportunities and non-discrimination; research and data collection and the setting up of a complaint mechanism. This mechanism would have the power to settle issues through mediation or settlement, order fines or even sentences of imprisonment in instances within the mandate of the Commission.
However, at the end of 2011, it lacked staff, with only the five commissioners and [illegible] support staff. In order to develop the complaint mechanism, the EOC intends to rely on existing government staff at regional level, including in particular, community service officers and it will

[60] Supra

share office space with the UHRC. In the meantime the EOC has sent the first complaints that it has received to the UHRC.

In the short-term, the EOC needs to pursue a realistic set of concrete objectives, leaving other areas of its mandate for medium and longer term. In this regard, the June 2009 Action plan is obsolete and requires updating. The overlapping mandates of the UHRC (in existence for over 13 years) and the EOC, call for very close cooperation, coordination, as well as shared resources.[61]

2.3 Conclusion

Customs have been the major causes of domestic violence in Uganda. This is evidenced by violations of women rights because men take women as bought property. However, this has been reduced by interventions of the law and institutions in observing human rights. This is still a problem, little has been done in villages but other parts people are still using customs to oppress women in marriages by denying them their rights.

[61] Including office space outside Kampala.

CHAPTER THREE
IMPACTS OF BRIDE PRICE ON MARRIAGES IN UGANDA

3.0 INTRODUCTION:
In Uganda, there are five types of marriages; church marriages, civil marriages, Islamic marriages, hindu marriages and customary marriages. Payment of bride price is recognized under the law of customary marriages. This is a practice in most parts of Uganda involves payment in cash or property by husband and his family to the Bride's family. It is symbolic of friendship but in actual fact it's the transfer of productive and reproductive service to the man's family.

Bride price is a central feature in many of the marriages in Uganda. It is one of the features under which it is demanded by the relatives either before or after the actual marriage ceremony. This is to comply with the customary obligation. The question or issue which arises whether the custom of giving and receiving bride price is consonant with the current international concern over Women's Rights? Does it compromise the African women's dignity? More specifically does it constitute discrimination against women? The U.N declaration on Rights and Duties of Man, 1948, is to the effect that: It's deemed incompatible with Human dignity and with the welfare of the family and society. Prevents their participation on equal terms with men in political, social and cultural life of their countries and is an abstract to the full development of the potentialities of women in the service of their countries and of humanity.

To a certain extent the continued existence of the custom does demand the subservience of women. It's upon this background that we would like to determine whether the custom of Bride Price perpetuates an outdated traditional African attitude which considers women inferior to men and objects for male dominance. And what is the way forward? Is a question for debate.

3.1 Positive Impact of Bride Price on Customary Marriages
Improvement of Family Relations

It is an appreciation to her parents for having looked after her. This is more prevalent among the Baganda. Payment of bride price is a form of recognition as an appreciation of the effort of the

parents for looking after her. It is a stabilizer of marriage. This is more prevalent among the Banyankole Bakiga.[62] The presence of the animals reminds the parents of the girls marriage. Among the Langi bride-price is seen as a sign of love if a lot of cattle is paid then the husband loves the woman, if few cattle are paid then the husband does not love the wife very much. Among the Bakiga it is a reminder that the girl is not cheap and insignificant. The attitude towards the girl in situations of cohabitations is not favourable. When the bride-price is paid the attitude changes and the girl receives respect. Women tend to respect their husbands if bride-price is paid for them.

According to some people bride-price is a source of wealth especially among the Langi. A man who has no daughter is considered poor and one with many daughters is rich. Another function of bride-price is to compensate the bride's family for the loss of her services. A female family member particularly one brought into the family by way of marriage, was considered especially valuable since she performed household chores and, most importantly ensured the continuation and growth of the family. Hence marriage of a female member was considered a loss to her family and a benefit to her husband's family. The giving of bride-price is therefore considered a quid pro quo for the services which are transferred to the man's family. The gifts also serve as an expression of the husband's or his family's gratitude to the bride's parents for the care they took in bringing her up and in allowing her to marry him.[63]

Bride-price was meant to be a gift to the bride's parents and relatives, it was for having brought up the child from her birth to that day when she was leaving the home. Therefore its effect was a sort of compensation for the work. When the bride-price is paid in the Kiga culture it is a form of strengthening ties between the spouses because the girl would fear divorcing with threats that the bride-price would be returned. Among the Kiga bride price served to remind the brides' family of her presence. The cattle, goods and material gifts remain in her relative's home as a symbol of her presence through the goods and services from her husband. Bride-price did also serve as a

[62] Alupo Josephine, Bride price & Gender Violence, A Paper Presented to the Participants at the International Conference on Bride Price and Development, 2004.
[63] Ibid

marriage insurance and stabilizer and reminder that the wife was not something cheap or insignificant. These gifts and services continue to come to their people after she was married.[64]

Most scholars of family rites have reported that a woman who is properly married is at a higher status than the one who is not. Among the Iteso and other societies such as the Lango, payment is more understood as recognition of the wife's value both to her husband and to her own relatives. In addition the wife's contribution to the family's subsistence is normally indispensable and so the husband is as much dependent upon her as she is on him.

By paying bride price the man becomes the sole claimant to the wife's sexual favours. However, the husband remains free to indulge in extra marital sexual relationships subject to certain penalties charged by the husbands or fathers of the other women caught doing the same, therefore bride-price payment entitles them to the wife's sexual favours whenever they feel like. The right over the girl is transferred from her father to the husband and his family. Before bride price is paid the girl is under her father and his sons' control.

Cemented Relations Between the Families and Clans

This continues in societies like the Banyankole, Acholi, Langi and Teso who pay Bride price in form of livestock. It strengthened relationships because once the bride-price is paid the girl's brother transferred it to another clan. It strengthened relationships not only between families but among other families and clans in the area.

The payment of bride price served to reaffirm subordinate positions of Women as men appropriate to themselves the bulk of the bride-price (cattle and cash). As the owners of the daughters they enjoyed the position of principal beneficiary giving the wives only a few items as tokens of appreciation of their motherhood.

Consequently, bride-price gives the power to control everything as head of the family. Paying bride-price will mean the transfer of rights which mean the women will look after the husband and the upbringing up of children is socially rather than biologically determined. It is then

[64] Henry Asiimwe, The Changing Dynamics, Trends and Perceptions in the Bride Price Custom in Uganda and the Implications, A Feminist Perspective, 2013.

possible that bride-price which is the basis of a marriage determines its' stability, therefore when bride-price is paid in Kiiga culture it was a form of strengthening ties between the spouses because the girl would fear divorcing with threats that the Bride price would be paid hence the stability of marriages.

3.2 Negative Impact of Bride Price on Customary Marriages

Violence:

On the other hand it is the use of force and other ways of causing suffering and pain to a person or people. Violence against women manifests itself in different forms which include armed violence, rape, incest, battery, slaughter, sexual harassment and other forms of sexual abuse as well as psychological torture.

The issue here is whether bride price is a commercial transaction with the marriage being valid only when bride price has been paid. It has sometimes been referred to as the basis for the claim that women are exchanged for goods as if they were commodities, normally there is bargaining between the parties concerned. Notwithstanding the legal restrictions regarding applications of customary law,[65] a lot of women have suffered and had their rights violated because of bride price payment. Once the man has paid Bride Price the woman is reduced to the status of property because the man has paid for her. She not only becomes part of the property but even what she works for becomes part of the husband's family property because they paid bride price.

This practice however undermines women's dignity and welfare and is prohibited by the Constitution according to article 33(6)[66]. It forces a woman to live under an intolerable and hostile family environment subjects her to servitude and slave like conditions hence leading to violence against women, when the marriage breaks down. Dissolution of marriage in itself is not easy to obtain under customary laws in Uganda. The woman is always to blame and divorce is related to her domestic failure. Once bride price is paid, it's used by the family for the male relatives to marry, by the time it's demanded back there is often nothing to pay back. The burden

[65] Incompatibility and Repugnancy Clause
[66] Supra, 1995 Constitution

always falls on her to pay. This is not possible for the poor woman. If she goes back home she is forced back to stay with the husband since there is nothing to pay back.

Further still women divorcees are not easily accepted by their own parents because the society's mistaken view is that the failure of their marriage is due to their having not been properly brought up under proper instructions, worse still the failure is seen to reflect on the character of the woman's parents. Thus the woman cannot even marry another man because she is bound by the fact that bride price is not yet returned and she is still under the same man.
It goes without mention that women are expected to sacrifice themselves i.e. to endure the harassment and mistreatment by their husbands for the sake of children, if such a woman leaves her children behind to suffer she cannot be accorded sympathy by the community. This clearly shows that payment of bride price has serious implications on the woman and hence reducing her status to that of property. This causes violence like lack of maintenance; verbal assault, forced sexual intercourse, lack of consortium may mean a) sexual rights, b) company of the partner and many others.

Many girl children are affected by the institution of Bride Price. The Constitution gives children a right to education[67] however the girl child faces more constraints on her access to education. Bride price has been one of the factors that cause the parents to withdraw a girl child from school and arrange marriage hence interfering with her right to choose a spouse of her will.

The customs consider a woman's primary role as that of wife and mother. Their main aim is to force girls into early marriage so as to obtain bride wealth. Bride price has also been associated with widow inheritance especially among the Iteso, Banyankole, Langi, [illegible] example. In societies which practice it, a widow is expected to remarry a man from within her deceased's husband's clan because the bride price paid ties her to the clan and she is regarded as serving the clan in place of her husband.[68] In case of the death of the spouse and restricting her ability to choose a partner from outside the clan, if she wishes to marry non clan's man, the Bride price is expected to be returned to the clan. Thus the effect of bride price nullifies the

[67]Ibid Article 30 of the Constitution
[68] Regarded as property to serve the clan

constitutional provisions on free choice of spouse. Even the relatives of the deceased husband will not allow the woman to move with any property. Their view is that once a woman is married everything she produces belongs to the husband.

The issue of Bride Price also affects the sexual and reproductive rights of a woman. One effect of payment is that the husband is entitled to sexual intercourse with the wife who has no right to refuse, regardless of the reason for e.g. adultery by the husband and the risk of HIV/AIDS. In communities such as Banyankole wife sharing among clans mates is practiced and has been related to bride price. In addition the wife is still required to repay the wealth he has transferred to her family if she leaves the marriage.

The Participation of the Youth

Youth do not participate in the area of how much should be paid or during the process of negotiations. Usually it's the clan elders who know the customs, not even the women are part of these negotiations.[69]The youth only come up to arrange and do preparations for the ceremony. Thereafter the father of the girl can choose whom to be given the bride price for marrying. Usually it's the elder brother.

3.3 HUMAN RIGHTS IMPLICATIONS

Bride price cannot be viewed as a practice. It is identified as an institution which is operating within a societal context tied up with patriarchy and the influences which come from the patriarchy. The human rights implications to the woman and her social status were identified as follows: -

It's quite contrary to what takes place within the human rights doctrines. There are forced marriages[70] that affect women and because they do not have choice of spouse, it violates Human rights on free consent[71] hence making them into forced marriages, with these marriages the girl

[69] This highly evidenced in Banyankole, Iteso cultures
[70] Supra, Article 31
[71] Ibid

child is affected and denied access to education in order to get married because bride price has been paid.

The impact of property rights, control, access and inheritance are violated because when the husband dies women do not get equal shares the more so losing all things to other family members.

The impact on number of children one produces. Since she reproduces for the clan due to bride-bride her health is affected because the desire and frequent pregnancies and of labour since she has to continue to work to produce for the clan hence infringing her rights.

More so, although the Constitution Article 33(1) avers that women shall be accorded full and equal dignity of the person with men[72] this is not the case especially when bride price has been paid. The root cause of most of the hostile behaviour by the husbands is the impact of the attempt of the woman to move out of an unhappy relationship, which due to bride price has been related to domestic violence where in the event of any marital dispute their husbands felt entitled to beat them. This is contrary to the principle of inviolability of the individual enshrined in the constitution prohibition of cruel, inhuman and degrading treatment as well as to the right to health including physical mental and psychological well being.

3.4 CONCLUSION:

It's conclusive that the payment of bride price may be a source of problems because once something becomes of commercial value a commercial return is expected. Therefore Bride Price charges must not be commercialized and abused, they must go back to the commodities as presents so that men should not abuse it to justify their oppression of women.

Besides that Bride price has lost its original nature and has subsequently acquired undersigned qualities. Mistaken bride price is now more than ever the price of a woman. The substitution of money payments for livestock has disrupted the network of reciprocal obligations that formerly linked families together and consolidated marriages some of the parents now see Bride price as an opportunity to extract a lot of cash from a hard pressed suitor.

[72] Ibid

It's therefore important to note that bride price has lost its former positive functions; it's no longer an efficient method of establishing the validity of a marriage but a mechanism for controlling the distribution of women. It's upon this back ground that I conclude that bride price should not be refunded. It should be looked upon as a gift.

CHAPTER FOUR

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

The research found a range of relevance of bride price. These broadly confirmed the findings of the studies conducted in 2013, discussions on bride price, and anecdotal evidence and previous case studies. In large amount of data was gathered across the various data sets. However, the most notable issue emerging was the outstanding similarities in the findings across the data sets and consistency in terms of both the positive and negative impacts of the practice of bride price which were identified.

4.1.1 Historical and theoretical context

The research informants observed the following issues in terms of the historical context of bride price. Importantly;

All analysis of bride price or bride wealth must look at the practice in its historical perspective.

This research further advised that all work on bride price must take into account its previous usefulness as an ancient and valued practice which has aided communities and promoted social cohesiveness and harmony throughout remembered history.

The research with key theorists and religious and cultural leaders on the issue revealed that bride price had cemented families together in the pre-colonial period and had not been regarded in acquisitive terms as a 'price', but as a custom to build and strengthen communities and families.

In the recent era, bride price appears to have become a commercialized practice which is losing its former helpful role. Our research revealed that this could be particularly the outcome in richer or professional class communities and in the cities. People think it is normal; it's just 'what we do.'

4.1.2 The positive and negative impacts on bride price

The study assessed both the positive and the negative impacts of the bride price. Many positives were observed by the study research. These numbered more than had originally been anticipated. However, the negative impacts far outnumbered the positives.

Bride price as a form of 'buying people' and is not right. But, at the same time, it is believe that a man taking someone's daughter as a wife can give some appreciations to the parents, as a marriage gift. To show he is appreciating them for the nurture, the care and upbringing of the girl. It is not to be bargained over, quarreled over.

According to Dowry reference com from the Columbia electric encyclopedia: 2004 bride price is a form of appreciation to the girl's family, according to me I agree with the dowry reference com from Columbia because if someone wants to appreciate the family of the girl, bride price is paid as a form of appreciation.

According to OguliOuma, he said that bride price or bride wealth, used to validate customary marriages, is a common practice in many African countries. Typically, bride price consist of a contract where material items (often cattle or other animals) or money are paid by the groom to the bride's family in exchange for the bride, her labour and her capacity to produce children. I agree with OguliOuma that after bride price is paid, both bride and groom will be recognized to customary marriages of African culture.

According to Sri Lanka, the payment of dowry has been connected to family violence. However its importance is declining and violence related to it is not as common as in other South Asian countries, through it still exists. According to my analysis, I agree with the country of Sri Lanka because after paying bride price, husbands in their homes has started mistreating their wives taking them as their properties at home since they have paid pride price.

Also according to Dowry definition from marriam websters online dictionary bride price leads to domestic violence I also agree with the Mariam Webster because after pride price is paid a woman or a girl can be mistreated because the husband can say that since I have paid pride price I can treat my wife the way I want.

According to Macdonald Levy and McMillan, they said that, in recent years, the issues involved in the practice of bride price havebegan to be brought to the awareness has been increasing in Uganda. For example, the 2005 Uganda Poverty Eradication Action Plan highlighted in bride price as the most significant factor holding back women's empowerment. According to my analysis, I agree with Macdonald and Levy McMillan because pride price has caused poverty in some areas for example in the family of the boy who had paid bride price.

According to Dan Kaye said that, bride price payment is a gender issues with implications on gender relations in different socio-cultural contexts. It also impacts sexual and reproductive health and rights. In a qualitative study on the perceptions of domestic violence in Wakiso district. Payment of bride price emerged as one of the key factors associated with domestic violence. According to my analysis, I agree with Dan Kaye because after bride price is paid it leads to sexual abuse hence domestic violence e.g inWakiso District

4.1.3 Conclusion

The study found a mix of positive and negative impacts of bride price on individuals, families and communities, and mainly negative impacts in terms of development. These included gender inequality, early or forced marriage, and both landlessness and homelessness for women (including for widow).

While both domestic violence and entrenched poverty were clearly identified as the overriding issues, bride price made both worse. Thus, findings or the research revealed significant interconnections between:-

- Bride price and domestic violence
- Bride price and impoverishment.

Some connections were also identified with increased HIV infections.

As the first rigorous research investigation into the practice of bride price in rural Uganda, using a participatory approach, this study raises important issues for consideration for those seeing to address its negative impacts. Clearly, the research findings highlight both positive and negative outcomes of the traditional cultural practice in the contemporary context. While consideration has to be given to its important role in the enactions of cultural traditions, overwhelmingly, respondents of this study suggested that the practice of bride price required reform.

Furthermore, if the reform of bride price is to be carried out, five main routes emerged from the research findings:-

- Legislative reform at government level.
- Policy reform through government initiatives and civil society.
- Legislative and policy reform at the local level, e.g. through the Kampala District Bridal Gifts Ordinance.
- Educational initiatives in the education system.
- Community awareness raising and sensitization.

While progress may be slow in effecting the reforms highlighted by the research, though some have already taken place, it is hoped that this research will help to inform and act as a catalyst for future and change, not only across Uganda but also in other parts of Africa.

4.2 Recommendations

The research findings basing on this research paper, bride price should be abolished as proposed by most respondents.

To educate the public about the relevance of bride price and dangers of domestic violence in marriage

The government should come in and put a limit on level of domestic violence by putting in place strict laws that will curb down the evil of domestic violence.

Sensitization programs should be put in place to educate the citizens about the values of bride price in marriage

4.3.1 How could reform be carried out?

Overall, reform efforts aimed at removing the harmful impacts of bride price were encouraged by the vast majority of the writers/researchers from all data collected. The mechanisms through which such reform could be carried out were suggested as follows:

The reform of bride price to make it:

- A gift
- Voluntarily given and not an automatic expectation
- The reform of bride price to make it of modest size only.
- The validation of customary marriage by the payment of bride price to be outlawed and replaced with another simple form of validation.
- The removal of all official and religious expectations that bride price must be paid (while people are of course free to pay it, should they wish).

Customs are deep-rooted and often slow to change. Efforts for reform, therefore, need to plan for both the short and the long term, to occur at both national and local levels. The respect to long term development, cultural change and public awareness raising, the need for community education and sensitization work among local people.

4.3.2 National level

Any reform needs the backing of legislation and policy. The recommendation of the study was that such legislation and policy making needs to be developed by the national government of Uganda.

The study also recommends that there is a need to have wider public debate on bride price, to consult with communities, and to develop awareness raising and public education programs at national level.

The law enforcement institution should specially ensure that the rights freedoms constitutionally guaranteed are equally enjoyed. Ugandan women live under very different conditions but common to them all is their subordinate status to that of men in every society and culture.

Radical changes in men's and women's knowledge, attitude and behaviour are necessary conditions for the enhancement and promotion of women's rights.

Men ought to play a key role in the guest for gender equality since in most of our societies men exercise immense power in nearly every sphere of life. It is therefore important to improve communication between men and women with an understanding of their joint responsibilities as equal partners in the homes and appreciating the social significance of bride-price.

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