

BRIDE PRICE AND VIOLENCE AGAINST WOMEN: THE CASE OF UGANDA

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In the evening, we would sit around our mother and she would tell us stories of her childhood. One story that still remains vivid in my memory is the story of her long lost aunt, a story she always told with tears in her eyes.

When a girl gets married, she would tell, the closest person to her, is her aunt. I never had the privilege of having a close aunt at my marriage ceremony because she disappeared when I was still young. Perhaps she ran away and will come back one day! Perhaps she was killed and eaten by an animal! Perhaps she went and drowned herself! One thing I know is that wherever she is, she left home a miserable woman. Her husband would beat her all the time. One time, he bit her with an acacia tree. The thorns of the acacia tree remained on her body. My mother had to remove the thorns one by one and she would scream with pain. When she got well her husband came back.

Then my father, my uncles and my mother would plead with her to go back. When I asked why she had to go back with the cruel husband, they would say "We cannot repay his cows".

On that day when I saw her last, she greeted everyone, but she would look at them long as if she was saying goodbye for the last time. When it came to my turn, she looked at me deep in the eyes and said, my child, never accept to get married for a price "That was the last I saw of her".

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INTRODUCTION:

1.0 What is Bride Price: -

Payment of bride price is a traditional practice, found in many African societies. It commits a groom price in form of money or gifts to the parents of the bride for hand in marriage. Sam Valun - Bride Price in Papua New Guinea P.1. In ancient Egypt, it was similar to a modern engagement ring, but the price went to the girls father.

The initiation specifies that the prospective husband, usually with the help of relatives, must provide substantial amount of money or goods, to the girl's family, before the marriage is contracted. The amount of money and size of the gifts vary from society to society. Among the Baganda, it involves small amounts of money, cloth gifts for the mother and aunties, Kanzus for the father and brothers and food items. In Teso region, it involves cows, goats, a sheep and money.

The items involved are often determined by the man's family background, his position in society, the age of the girl, her education and her status. For example, if the man is wealthy, he may be asked to pay more. If the girl is young and educated, the parents would state those attributes when determining the price. If the girl had a child outside marriage or had been married before, this too would determine the amount asked. If a girl had been married before and divorced this would be seen as a risk factor and her parents would not ask for much for fear that the second marriage may also fail and then they would have to refund the bride price.

Among the African societies, bride price is seen as a symbol of the marriage contract. It is also seen as an arrangement for distribution of family property and an arrangement of alliances. A woman whose bride price was used by her brother to marry was closer to the woman married by "her" bride

price. The bride price also legitimises children and made them their fathers. Indeed in Teso culture, if a woman had a child before marriage, that was an illegitimate child. Even if the parents married, the husband had to pay an extra cow to take the child.

In some communities, it is seen as compensation to the girl's family for the trouble taken to raise their daughter and the loss of her economic value i.e. work and adding to the family. Some societies viewed it as a social exchange that brings families together. Among the Southern Africa, a man holds a special relationship to his "cattle linked sister", whose marriage payment he receives. Bride price is also seen as a factor that contributes to stability in marriages since it is often repaid if the marriage is dissolved, a woman's family has all interest in resolving any problems between their daughter and husband to ensure stability in the union. Similarly the husband's relatives because they have contributed to the dowry, have to resolve any differences. If there is a divorce, the relatives can dictate on whether the woman will leave or not. They will be quick to protect her, especially if she has children. For the women, bride price is viewed as a status symbol. It is common to hear women at a water collection point, trying to impress their friends about the amount of bride price paid for them. They often have no kind words on those whose husbands paid a lesser amount or non-at all. Finally it offers social protection to the women on divorce or the death of her husband. On the death of her husband she will be given to someone to look after her and the children. On the other hand, in some societies, like the Igbo, it is like security so that if a woman is barren or leaves the marriage before producing children, it can be demanded.

2.0 BRIDE PRICE AND HUMAN RIGHTS

Bride price is seen as supporting the institution of polygamy because older men who have accumulated wealth can be able to pay it. Since one party pays the price for the other, it removes the element of equality, which is essential in a marriage relationship.

The first European observers of bride price concluded that it constituted an actual wife purchase, similar to buying a slave. Indeed in Uganda, in the classic case of Amkeyo, the judge in dismissing a petition for divorce, brought on the basis of cruelty concluded that a customary marriage was no marriage at all, but was something akin to wife purchase.

Bride price affects a woman and acts to diminish their autonomy and sense of self worth. The payment is sometimes used to control a partners actions, rights for example to movement, to decide on the number and spacing of the children, acquisition and management of property, her rights on divorce, over custody of her children and her independence. At the death of her husband, she may be forced to take on another man to inherit her, because the husbands family invested in her through payment of bride price. In Teso, high rates of child marriages and early pregnancies, leading to a high school drop out rate among girls has been reported to be linked to the culture of bride price. Many parents, because of poverty push their under age daughters into marriage. During a visit to one internally displaced camp in Katakwi in 2001, one lady confessed that families with girl children are better able to cope because they can exchange them for food. A girl can be exchanged for a sack of cassava. These early marriages plays a part of denying girls an opportunity to continue with their education, is also a major factor in the high maternal mortality rates which is prevalent among the young girls and has remained constant over the years.

Bride pride has close linkages to poverty. Young men and their families have to work hard to accumulate the wealth necessary to pay pride price. One young man is reported to have requested for an early retirement so that he could use his package to pay Bride pride. The girls parents have suffered equally when it comes to payment of bride price. Many have had to lose their homes, and land to repay dowry or even end up in prison as this is treated as a civil debt. Some young men and women resort to cohabitation or elopement to avoid paying bride price. While in old days it provided some social protection to the women. Women have not become vulnerable in face of relatives who want to take away their husband's property and leave them with no support. Many have also been exposed to deadly diseases like HIV/AIDS because of the practices related to community participation in contributing to bride price, like wife sharing.

3.0 BRIDE PRICE AND VIOLENCE AGAINST WOMEN:

Violence against women involves infliction of bodily injury, verbal threats, harassment and emotional abuse or the destruction of property. It is often used as a means of coercion, control, revenge or punishment on a person with whom the abuser is involved in an intimate relationship or not.

Bride price alone may not be bad, but it may create situations that lead to denial of rights. For example, the mere fact that a husband has paid a price for a woman puts this woman into the category of chattel – something that has been bought. The element of equality between a man and a woman is regarded. This inevitability leads to discrimination because the two cannot be treated in the same way. It therefore affects a woman's dignity and self worth.

Bride price is one of the causes of violence in homes. As a result when the issue of custody of children arises, for example, the husband is favoured because he has paid the bride price, which entitled him to the children of the woman for whom he has paid for. Bride price also makes the woman vulnerable to abuse. For example, because a man has paid bride price, he assumes that he has a right to chastise a woman and society will protect him in that respect, and so will the religious communities. A study of domestic violence in Uganda in 2002 showed that bride price is one of the causes of violence in homes.

Bride price can also limit their rights to choices that women make in terms of the number and spacing of children, custody and maintenance of the children. This is because a woman is married to perpetuate the clan. A woman cannot make decisions on the number of children alone. In terms of property matters, it also affects their ability to decide freely on issues of acquisition and disposal of property. Threats of recovering the bride price can be used to control a woman's actions. In the end, they can be intimidated to stay in an abusive relationship because if she leaves, her relatives will either have to repay, lose their own property or liberty.

Akurut, a young woman from Kumi stayed for many years in an abusive relationship. In spite of several pleas to her relatives, to return the bride price, none of them acted because the brother has used it or to marry a wife for himself. Akurut disappeared from home for 5 years and went to Malaba to trade in local beer "malwa". She earned enough money to buy 5 cows and then called her husband to the sub-county headquarters in Kachumbala to collect his bride price which she bought herself.

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The state itself has been a party to the continued practice of bride price. It has come in to implement court decisions for recovery of bride price. This sends a message to the community that demanding bride price is permitted and justified.

4.0 THE LEGAL FRAMEWORK:

Uganda is party to International/regional conventions, charters and Declarations, which provide a legal framework through which to address the issue of bride price. As seen in the previous section, bride price has implications on human rights issues like equality non-discrimination, freedom from cruel, inhuman and degrading treatment. These are basic principles of human rights, which is enshrined in the Universal Declaration of Human Rights, the International Convention Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

In 1995, Uganda together with other UN nations endorsed the Beijing platform of action and Beijing

Declaration. The government pledged to join other states to take urgent action and eliminate violence against women, which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices and exterminate it⁹. Payment of bride price has a linkage to human rights. It should therefore be condemned.

In 2000, Uganda took Violence Against Women as one of the priority area in its National Action Plan on Women as one of the priority area in its National Action Plan on women. The constitution of Uganda has enshrined the principles of equality, non-discrimination, and freedom from cruel inhuman and degrading treatment as some of the fundamental rights to be protected in our constitution. Customs and practices, which affect the welfare and dignity of women, are forbidden.¹⁰

Consequently, bride price, a practice that relegates women to the status of a chattel violates the principles of equality and non-discrimination. Moreover, this practice renders women vulnerable to abuse and intimidation. Bride price should be condemned as contrary to basic human rights. The state has an obligation to protect women from customs which affect women's ability to make choices and which can be used to intimidate and convince them to remain in an abusive relationship.

5.0 LOCAL INITIATIVES TO ADDRESS BRIDE PRICE

While there is a legal framework through which the issue of bride price can be addressed, the practice is still rampant in Ugandan communities. In the 1950's the colonial administrations passed regulations to limit the amounts. However, this resulted in the practice going underground. The Customary Marriages Regulation Decree, sec. 6 makes it optional to pay it and does not make it prerequisite for the conclusion of a valid customary marriage. There is now a proposal to rename it "marriage gift". These are not refundable, if a marriage breaks down. There are cases where some parents have opted not to demand it in some instances. Some have done it because they either do not want to demand it of their daughters, but these are exceptions. Mifumi Project in 2001 carried out a referendum in Tororo on bride price and over 50% voted against it. Nevertheless, the practice still continues.

Much as the practice violates basic human rights, the practice has been going on for since time immemorial and is seen as a way of life. Many still defend it as an affront on their culture and designed by elite women to interfere with their customs. But, culture cannot be used to justify violations against the human rights on women, this custom can no longer be justified and must be modified.

6.0 CHALLENGES:

As stated earlier, the demand for a refund of bride price is embedded into people's social lives. It is, a culture that is defended by both the men and the women. The women themselves see it as a symbol of their worth. The communities see bride price as a social practice that gives them identity; it will therefore be difficult to eliminate it. Secondly, if it is removed, there has to be a practical method of contracting valid marriages, which are recognised. My experience in working with communities is that where local people are required to register their marriages, most offices do not have certificates. If they pay for certificates the money goes for registration and not to the parents of the girl. On the other hand we need to put into place alternatives that can be implemented in the communities. Legislating against bride price may not work because it may be difficult to implement. The practice will only go underground. In addition to this, you leave the parents who have invested in their daughters to go and produce in another clan without compensation. Finally it is a long practised custom and cannot be abolished overnight.

7.0 RECOMMENDATION:

The unacceptable part of bride price is the practice of demanding it back when a marriage breaks

down. Therefore, given the above challenges, the following can be done to address the problem:-

1. Legal Rights awareness should be created among the communities to educate them about the rights of women affected by the practice.
2. Legislation should be enacted to allow for exchange of gifts but discourage demanding for its refund/
3. The state should not enforce decisions to refund bride price to send a message to the people that neither is it justified nor permitted.
4. The state should provide options for the people to contract legal unions by ensuring that registration can be done at the nearest point.
5. Research should be carried out on the relationship between bride price and human rights and any negative aspect should be documented and prohibited.

8.0 CONCLUSION:

Cultural practices that effect women's ability to realize their rights should be condemned. People should be made aware of the linkages between the cultural practices and violation of rights. The positive aspects can be maintained but the negative aspects like refund should be condemned and prohibited.