

**Paper presented by  
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**On**

**The relationship between Domestic Violence  
and Bride price.**

**At the International Conference on Bride price  
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## **Introduction**

I am pleased to have been invited to be a Guest of honour at this International conference on Bride price.

I want to first of all thank the organisers for coming up with the idea of looking at the institution of Bride price, which has affected our society and violated the human rights of women. I want to also thank the German Technical Cooperation (GTZ) on behalf of the German government for sponsoring this conference. I have looked at the topics to be covered so I believe and I am sure that at the end of this conference the participants will have learnt a lot about the institution Bride price and its effects on the lives of women and will come out better informed on how to deal with this problem.

While officiating at the opening of this conference I wish to address myself on the relationship between domestic violence and bride price. But first let me define these terms.

### **Domestic violence**

Domestic violence is an assault or threat against a person by someone she or he lives with. Domestic violence is one of the most prevalent acts perpetrated against women. It is the leading cause of female injury in almost every country in the world and continues to limit women's access to basic human rights. Domestic violence against women includes psychological, physical, sexual, and economic abuse and is perpetrated by an intimate partner such as husband or any other family member within or outside the home. This includes beating, rape, verbal attacks, and the withholding of funds or the denial of food and basic needs such as healthcare. Domestic violence is a universal problem that cuts across all cultures and is found in all nations worldwide. For example in the United States, rape is committed every six minutes, in Peru, 70% of crimes reported to the police are of women beaten by their partners, in Thailand 50% of married women are beaten and, in Ecuador, over 80% of women are beaten. Domestic violence is a major universal problem but it has not been recognised as a specific human rights abuse issue. It was not until 1985, during the UN sponsored conference in Nairobi on Forward Looking Strategies for the advancement of women that the issue was brought on the forefront of the international human rights agenda.

Women are abused because of some traditional beliefs, which subordinate the status of women and relegate them to inferior position compared to other human beings. For instance;

- Some people believe that a man who does not beat his wife does not love her.
- Some men believe that they have a right to beat a wife because they paid bride price
- That women do not grow. They are treated as minors who must be disciplined by beating.
- Other men believe that because they are the providers and heads of the family, they have a right to abuse women and deny them their rights

Domestic violence is complicated in that it is perpetrated by people to whom women are intimately connected. This contradicts the value society attaches to the family as the safest and most pleasant environment for an individual. Women are therefore faced with the dilemma between enduring the violence and taking their partners to the law enforcement agencies. And where they have managed to get to these agencies, victims of domestic violence are often told that the forum is wrong for such private matters. Therefore the right of equal protection under the law remains on paper for women.

Where domestic violence results in physical harm, it affects the women's access to the highest attainable standard of physical and mental health. Injuries resulting from domestic violence are often concealed by women. They engage in self-blame and either choose not to seek for medical attention for fear of exposing the reasons of harm or they tell half-truth for which they get only partial treatment as perceived by the health personnel.

Women who are subjected to domestic violence are extremely humiliated and forced into subordination. As a result the equality of opportunity in the political sphere becomes theoretical because violence affects their capacity to effectively participate in decision-making at the family, community and even national level.

## **Bride price**

Bride price / dowry is the term that refers to material items that are exchanged for a spouse. In Africa where the items are exchanged for a wife it is called bride price and in India where the exchange is for the groom it is called dowry although here in Uganda these two words are interchangeably used as if they mean one and same thing. At times these items are referred to as marriage gifts, marriage wealth and they are either in form of animals such as cows or money or other items such as beer, foodstuffs and clothes. In Ankole they call it Enjugano and Baganda call it Omutwalo but whatever item and whichever name it is called, Bride price undermines the status of women and violates their human rights.

In Africa the so-called gifts, are given by the groom's parents to the parent's of the bride, while in India it's the parents of the bride who give the gifts to the family of the groom. What must be noted is that the bride price/dowry does not go to the bride or bridegroom but to the parents. Yet it is the bride who faces the negative consequences of the institution of bride price.

Traditionally in Africa and in Uganda particular Bride price was on the face of it regarded as a token of appreciation from the groom's family to the bride's family for having brought up a nice girl whom they have now given to the groom's family. It entitled the wife to be a full member of the husband's family. Those days there was no modern time wedding and so Bride price acted as the legal basis for the marriage and a tool for cementing the relationship between the two families.

However in the essence, Bride price was given in exchange of the labour the girl was giving to her family. Now that her services were being transferred to another family

something had to be given in exchange for those services. In modern times however the institution of bride price has drastically changed. It has become a mode of accumulation of wealth. The girl's parents look at the girl as a source of income and demand too much from the groom's parents. Once the groom has paid so much, he starts treating his wife as a purchased property. In many cases the husband thinks that they have proprietary rights over their wives since they bought them just as they buy any other item.

### **Negative effects of bride price in the family**

I wish to state that there is a relationship between Domestic violence and Bride price. The institution of bride price/dowry where it is practiced has increased the incidences of domestic violence. It has had far reaching health, economic, social, human rights and legal implications in the countries where it is practiced. Bride price as an institution has negative implications on the rights and status of women. It is a major factor contributing to domestic violence and abuse of human rights in the home.

- In India today, the failure to pay all the agreed upon dowry amount is considered a serious problem. The most severe is "bride burning", the burning of women whose dowry was not considered sufficient by their husband or in-laws. Most of these incidents are reported as accidental burns in the kitchen or are disguised as suicide. The death of his "failed" wife allows him to marry again and to obtain the dowry that his family believes he deserves, and demands for dowry can go on for years. Cultural practices such as the payment of dowry tend to subordinate women in Indian society.

As a result some parents often kill the girl child because they fear to pay the dowry, which is a violation of human rights. The inability of the bride's family to comply with these demands often leads the daughter-in-law to be treated as a pariah and subject to abuse. In the worst cases, wives are simply killed to make way for a new financial transaction of marriage. In India this institution has portrayed the mother-in laws as evil. It becomes an issue of women against fellow women (mother - in law verses daughter- in law).

Despite the existence of rigorous laws to prevent dowry deaths under a 1986 amendment to the Indian Penal Code (IPC), convictions are rare, and judges (usually men) are often uninterested and susceptible to bribery.

Bride price perpetuates the low status of women and keeps them in perpetual bondage. For example most cultures in Uganda demand that Bride price be paid to the male relatives of the woman where women are exchanged for cattle, money, meat, sugar and salt. Although these gifts are supposed to be tokens of appreciation to the woman's parents often they have been regarded as a price for the woman.

The unfair part of bride price is the demand for its return on the breakdown of marriage. This prevents women from leaving abusive relationships because their families are either unable or unwilling to repay it. In one research study carried out by Law and advocacy for women in Uganda, one woman stated thus:

***"I have been married for five years during which time my husband has consistently battered me. And when I went back to my family, my father rebuked me because my husband threatened to claim his bride wealth he had paid. I have been hospitalised several times and my body is visibly mutilated".<sup>1</sup>***

It has therefore become a considerable obstacle for women attempting to leave abusive relationships, as one lady explained:

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<sup>1</sup> Project report on the domestic violence study by Law and Advocacy for women- Uganda. April 2002.

***“I didn’t have any happiness in my marriage. As you know once a man has met your family you find it hard to go back home. Your family members tell you to hang on”.***<sup>2</sup>

Some women have committed suicide as a result they are battered by their husbands; their families refuse to take them back because they cannot return the bride price. What does a woman do, kill herself because she has nowhere to be.

- Bride wealth imposes elements of domination and control and reinforces the concept of women as property, possession and therefore perpetuates the notion of violence against women.
- This practice undermines women’s dignity and welfare forcing them to live under an intolerable and hostile family environment that subjects them to servitude and slave-like conditions.
- The promise of Bride Price encourages parents to force young girls out of school in order to be married off for Bride Price. This does not only hinder girls education but it also exposes these young girls to health hazards of early marriages, as we know them.
- Many young couples begin their married life poorer, with the groom having paid the little income he had on Bride price. This contributes to poverty and domestic violence in the family.
- Many young men who cannot afford Bride price simply co-habit. This makes them forfeit many family rights and entitlements, which can be particularly detrimental for the already disadvantaged and vulnerable women. Our law does not recognise co-habitation as a legal relationship. Therefore such a relationship does not confer any rights on the parties. In most cultures a man who has not paid bride price is not recognised in the society.
- Many parents often sell their land, a vital resource, to refund Bride price in case the marriage collapses.
- In a society where women are still valued as property, and do not have equal decision-making powers and status within the family, the existence of rape and brutal attacks on them by their spouses has become a stimulant for HIV/AIDS infections. The words of one victim describes it best:

***“Sometimes I didn’t want sex but we had sex. He forced me. He forced me before we were tested. He was using force on me... I felt there was danger of more force if I didn’t agree to have sex. After testing he would force me to have sex without a condom. I don’t know why he was opposed to condoms after testing and yet he used them for birth control. He said ‘why bother, we’re already victims.’ . . . There should be a law to stop husbands forcing wives to have sex. I would use the law. I’m tired of him and I’m preparing to leave him. I’m tired of playing [having] sex, having children”***<sup>3</sup>.

### **What the law in Uganda says about Bride Price**

The Constitution of Uganda does not only outlaw discrimination on grounds of sex but it also guarantees equality of sexes before and under the law. The same Constitution dedicates article 33 on the rights of women as follows:

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<sup>2</sup> Human Rights Watch interview January 11, 2003

<sup>3</sup> Human Rights Watch interview January 11, 2003

- 1) That women shall be accorded full and equal dignity of the person with men.
- 2) 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.
- 3) That the state shall protect women and their rights, taking into account their unique status and natural maternal functions in the society
- 4) Women shall have the right to equal treatment with men and the right shall include equal opportunities in political economic and social activities.
- 5) That without prejudice to article 32 of the Constitution women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.
- 6) 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.

Yet the institution of Bride price, which discriminates and violates the rights of women, has continued to flourish. There have been attempts for over 40 years to enact the law on Domestic relations. These efforts have now resulted in the current bill on Domestic Relations, which has retained the institution of Bride price. The bill only provides for the abolition of the return of bride price after a failed marriage.

One would wonder why the institution of Bride price has defeated us. In my own struggles for Gender, equality and Women's empowerment I have found out that even women themselves strongly defend the institution of Bride price. When I dug deeper I found out the reason why. Women perceive Bride price as something that gives them value. Women in Africa have generally been regarded as valueless and their value is attached to how much they fetch in form of Bride price and how many boy children they produce for the husbands. So as long as women do not get a substitute that gives them value they will continue to defend the institution of Bride price. My recommendation therefore is that we struggle hard for women's education, which will give them economic empowerment, and knowledge of their rights as full human beings. We need therefore to intensify the struggle for equal rights of women in all fields of life but particularly in education and their economic empowerment.

## **Conclusion**

Bride price is not the only factor that causes domestic violence. Central to the issue of domestic violence is the question of power relations. It is very clear here in Uganda that even in marriages where there is no Bride price paid domestic violence takes place and even in the relationship of mere cohabitation where there is no legal marriage women are battered yet they do not leave these marriages. The influence I draw from such circumstances is that women with or without Bride price paid for them, view these marriages as a source of provision and livelihood and so stay in these violent relationships for lack of alternative.

Therefore in my view legislating against Bride price will not be a solution to discrimination against women. The solution to all these cultural practices that undermine the status of women is in the promotion of their status through education and economic empowerment. Education will lead to increase in women's participation in politics and decision-making positions. On the other hand, eradication of poverty in Africa will go a very long way in contributing to the elimination of Bride price. Strategies for Poverty Eradication are very crucial in this area.

In the mean time we can continue talking and condemning Bride price hoping that as many people as possible who get educated will continue dropping it step by step until the institution dies.

I wish you the best in this struggle and I can assure you of my availability and support in this endeavour.

I now have the honour and privilege to declare the conference open and I wish you a fruitful and successful deliberation.