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# UWONET

## Uganda Women's Network



**JOIN US IN  
CAMPAIGNING FOR A JUST  
DOMESTIC RELATIONS LAW**

September 1999

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# *The Domestic Relations Bill Advocacy Strategy*

## *What is the Domestic Relations Bill (DRB)?*

The DRB is intended to consolidate all family related laws, namely marriage, divorce, separation, and property rights into one statute. This law will regulate relations in marriage and the family. It is crucial in determining the legal status of women and men in the family and enhancing family stability. It will provide for the different types of marriages, marital rights and duties, dissolution of a marriage, rights of parties on dissolution of marriage and any other connected purposes.

## *What do we want out of the DRB?*

We want a just domestic relations law with a family code based on the principles of non-discrimination and gender equality. All family related laws should conform to Uganda's constitution, which recognises the equality and freedom from **discrimination** of all persons

(male or female).

## *What are the major Concerns for Advocacy in the DRB?*

There are four major areas of concern in the DRB.

- The DRB should conform to the internationally recognised human rights code.
- Women's health concerns and the reproductive rights and responsibilities of both spouses should be recognised and embedded within the DRB.
- The DRB should be gender sensitive and be rooted in a non-discriminatory socio-economic and cultural context.
- Negative religious and traditional beliefs should not be overlooked in the formulation of the family law.

***What are the positive aspects of the bill that should be defended?***

- The age of consent to marriage has been set at 18 years and so it should remain.
- Widow inheritance is prohibited.
- Divorce petition in polygamous marriages is permitted when the husband takes up another wife against the consent of the first wife.
- The definition of adultery is gender neutral.
- The giving of marriage gifts as an essential requirement for marriage is prohibited.
- There is recognition of mental and psychological violence as grounds for divorce.
- There is recognition of property rights of all spouses

in a marriage.

- There is recognition of non-monetary and monetary contribution of spouses to matrimonial property.
- Parental consent is no longer a pre-requisite for a marriage.

***Negative issues that require advocacy***

- There is lack of an inclusive definition of the family. Single parent and child headed families are not catered for in the DRB.
- The recognition of polygamy as a form of marriage is detrimental to women's emancipation and contravenes the principles of equality of persons.
- Reproductive and sexual rights are not stated in the bill;
- Denial of sex must be proved by reasonable ground. The DRB does not spell out the

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reasonable grounds referred to.

- Knowingly infecting a partner with HIV/AIDS is not mentioned in the bill.
- Marital rape is not specifically provided for in the DRB. It is covered up as sex without consent of a partner. This leaves room for sexual abuse of women in a marriage.
- Bride price is not specifically mentioned. Hence its negative impact is not considered.
- There is need to criminalise child marriage and spell out the punishment for the man who engages in child marriage and the parents who grant consent to such a marriage.
- Petition for divorce must be on the sole ground that the marriage has irretrievably broken down. This will cause severe psychological pain to both partners and to the children.

### *What must be provided for in the DRB?*

- The DRB must recognise the principles of equality upheld in the Uganda Constitution, the Universal Declaration of Human Rights and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).
- The definition of concepts in the DRB must be gender sensitive and fair to all parties in the family.
- The DRB should strive to eliminate the conflict between human rights issues and culture.
- Marriage procedural matters, structure and actors should be simplified so as not to deter marriages.
- The content of the DRB must be reviewed to provide for substantive rights and responsibilities of all family members, for example, the rights of children in a cohabitation relationship should be defined.

### *What are we going to do?*

A coalition of over 40 organisations and individuals has been set up and is being coordinated by Uganda Women's Network (UWONET).

The coalition has launched an advocacy campaign that will contribute to the attainment of happier families, the reduction of poverty and increased social-economic and political empowerment of women. The Mission for our campaign is to build a coalition in solidarity with all Ugandans for advocacy to inform, influence and lobby for the legislation of a just, humane and equitable Domestic Relations Act.

### *What to do we have to do as members of the Coalition?*

- We have to be part of the advocacy coalition on the DRB and actively play our role.
- We have to work together as a team.
- Involve as many people as possible in the campaign.

- Educate ourselves and others about the provisions in the proposed Domestic Relations Bill and keep up to date with the developments on it.
- We need to critically scrutinise all the provisions, which seemingly look positive and see any hidden negative aspects that may be sugar coated.
- We need to have the courage to discuss the bill with our Members of Parliament as a critical legislation for family stability.
- If you are a legislator you need to support the coalition and be part of the campaign. Use your influence to sensitise more parliamentarians.

### *What are some of the critical issues that we can work on?*

#### **Definitions in the DRB**

The various definitions in the DRB must be gender neutral

and specific to the existing social reality. Among the issues that require specific definition are the family, marriage gifts, bride price, marital rape, cohabitation and widower inheritance.

### ***Content and Substantive Rights and responsibilities***

The content of the DRB needs to be critically analysed in its present format, the rights embedded within and the responsibilities for each party.

### ***The Principles of Equality and the DRB***

The sections in the DRB that promote gender inequality must be eliminated. These include the recognition of polygamy, lack of mention of bride price and a number of harmful cultural practices that violate the rights of women. Since bride price is not mentioned and yet it takes place the inequalities inherent in the practice are not brought out and therefore will continue.

### ***Conflict between Human Rights and Culture***

In the DRB, there are sections intended to promote culture yet they contravene the human rights provisions. These sections relate to polygamy, property rights, widow/widower inheritance, bride wealth and the automatic requirement for a woman to have sex with her husband whether she wants to or not. There is need to address all these inconsistencies so that the law conforms to the constitution and international legal instruments binding the Uganda Government.

### ***Complex Marriage Procedures in the DRB***

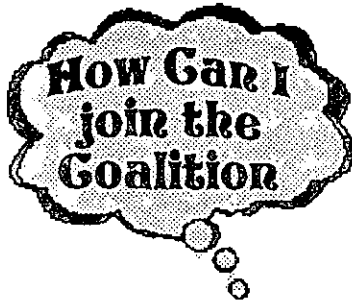
The various marriage procedures as laid out in the DRB need to be simplified. In their current form the procedures are not conducive for people who would wish to join the institution of marriage. A complicated procedure will encourage couples to cohabit other than legalising their marriage.

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***We are already part of that campaign. Why don't you join us?***

Action Aid- Uganda  
Action for Development (ACFODE)  
Akiika Embuga Women's Self-help Association  
Akina Mama wa Afrika, Africa Women's Leadership Institute  
Association of Women Lawyers in Uganda (FIDA-U)  
Association of Women Parliamentarians in Uganda (AWOPA)  
Bukedi Development Foundation (BUDEF)  
Cooperation in Development (COOPIBO-Uganda)  
Department of Women and Gender Studies, Makerere University  
Development Network of Indigenous Voluntary Associations – DENIVA  
Faculty of Law, Makerere University  
Foundation for Human Rights Initiative (FHRI)  
German Development Services (DED)  
Hope After Rape (HAR)  
Human Rights Peace Center (HURIPEC)  
Isis-Women's International Cross Cultural Exchange (Isis-WICCE)  
Law and Advocacy for Women in Uganda (LAW-U)  
Ministry of Gender, Labour and Social Development  
National Association of Women's Organisations in Uganda (NAWOU)  
The Council for the Economic Empowerment of Women in Africa-  
Uganda (CEEWA-U)  
Uganda Land Alliance  
Uganda Law Reform Commission  
Uganda Law Society – Legal Aid Programme  
Uganda Media Women's Association (UMWA)  
Uganda Police Force, Welfare Department  
Uganda Women's Network (UWONET)  
Women Engineers, Technicians and Scientists in Uganda (WETSU)  
Women in Law and Development in Africa – Uganda Chapter  
(WILDAF-U)





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