

**ESTABLISHING THE EXTENT OF THE RIGHT TO EQUALITY BETWEEN MEN
AND WOMEN IN POLYGAMOUS MARRIAGES IN UGANDA: A CASE STUDY OF
IGANGA DISTRICT**

BY

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REG. NO. 2013/HD03/1342U

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**A DISSERTATION SUBMITTED TO THE DEPARTMENT OF PHILOSOPHY IN
PARTIAL FULLFILLMENT FOR THE AWARD OF MASTERS DEGREE OF ARTS IN
HUMAN RIGHTS COLLEGE OF HUMANITIES AND SOCIAL SCIENCES OF
MAKERERE UNIVERSITY, KAMPALA**

DECEMBER 2015

DECLARATION

I Mwanga Mastullah Ashah do hereby submit my dissertation and declare that this is my original work and that it has never been submitted for any academic award in any other University or institution by any other person for any award before.

Signed.....

Mwanga Mastullah Ashah

Date.....

APPROVAL

This is to certify that this dissertation has been submitted with my approval as University Supervisor.

Signature:

PROFFESSOR FREDERICK JJUUKO

Date:

DEDICATION

This research is dedicated to my three lovely children; Adhil Haris Abdallah Kayongo, Adhilah Haifah Abdallah Nantege, Ahlam Hanan Abdallah Namale with whom I cheated of their motherly time while pursuing this course and conducting this research and compiling the same.

ACKNOWLEDGMENT

I would like to acknowledge my supervisor Professor Fredrick Jjuuko for his help, professional and parental guidance throughout the research. I wouldn't have come this far if it wasn't for his effort and help, may God reward him abundantly. I would like to thank my Dear father Engineer Sowali Mwanga Mading and my mother Mrs. Namale Zaitun for all moral and financial support during the tough times during the course and conduct of this research and I pray that the almighty God gives them everlasting life to see the fruits of all their efforts right from the time when I pursued the two Bachelors Degrees.

Special thanks go to my dear husband Counsel Abdallah Kiwanuka for all his support ranging from finance and career. May the almighty Lord protect and guide him in all his endeavors. I also thank my Mother in law Hajat. Madinah Kayongo for she is beyond an ordinary mother in law and kept giving me all the courage and energy that I could actually make it. May she live to enjoy the fruits of her courage and parental guidance that she accorded to me.

I also beg to extend my sincere gratitude to my dear friend Nampomba Shaidah who sourced for me funding for this course and I pray that she lives to see me succeed with this master's degree.

Above all, I thank the Almighty God for keeping me alive, well and shielding me from accidents and any other stumbling blocks that would have stopped me from conducting the research and accomplishing the course. I further thank the almighty Lord for the provision of transport, school fees and all the money I needed to use during the research project and for answering my prayers of enabling me finish the research project in time. Thank you LORD.

ACRONYMS

CEDAW	Committee on the Elimination of Discrimination against Women
SP	Statement of the problem
EM	Equality in marriage
GE	Gender equality
GR	Gender Relations
GRs	Gender Roles
HBA	Human rights based approach
HR	Human rights
MGLSD	Ministry of Gender, Labor and Social Development
MLG	Ministry of Local Government
NGOs	Non-Governmental Organizations
JCE	Journal of Contemporary Ethnography
NCAEM	Naturalist and Constructionist Approaches to Equality in Marriage
GC	General Comment
UNOHCHR	United Nations, Office of High Commissioner for Human Rights
UN	United Nations
DCMGE	Divorce Culture and Marital Gender Equality
UBOS	Uganda Bureau of Statistics
JFI	Journal of Family Issues
MAK	Makerere University
UDHR	Universal Declaration of Human Rights

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ABSTRACT

The study sought to investigate women's right to equality with men in polygamous marriages especially since the making of the 1995 constitution of the republic of Uganda that spelled out the right to equality in marriage. It concentrated on the right to equality of women and men in polygamous marriages and how this right is violated and the study took Iganga district as its case study. To achieve this general objective, the researcher aimed at achieving three objectives for this study. Data on these objectives was collected; analyzed and presented in the previous chapter.

This report studies polygyny (one man married to multiple wives) as practiced in Uganda generally and Iganga District in particular. The analysis of equality of man and woman in marriage was based on the contribution of the wife to family income, freedom of expression of the woman, communication at home, sexual relations, roles of the husband and wife and the opportunity of separation or divorce. Women must be included as part of the development process and have decision-making power in reforming the inequalities that burden their roles within society.

In the literature review, the researcher found that equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.

After an analysis of the findings, the researcher made quite a number of recommendations among which; Drafters should consider prefacing laws prohibiting polygamy with the international legal obligations, as well as policy arguments, requiring states to modify such practices. Article 5(a) of CEDAW obligates States Parties to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." Both the Human Rights Committee and the Committee on the Elimination of Discrimination against Women have found that polygamous marriages discriminate against women and recommend their prohibition. The practice of polygamy violates Article 3 of the ICCPR, guaranteeing equal rights for women and men, violates a woman's right to equality in marriage, and has severe financial effects on her and her children. CEDAW, Gen. Rec. 21, Para. 14, Gen. Rec. 29. Moreover, polygamy places women and girls at greater risk of contracting HIV/AIDS when their husband has multiple sexual partners, and they have less power to negotiate safe sex. It also risks excluding additional wives from asserting their marital and inheritance rights.