

MIFUMI's Constitutional Petition on Polygamy
02-Feb 2010

MIFUMI, a Uganda Women's Rights NGO (www.mifumi.org), has petitioned the constitutional court of Uganda to pronounce itself on the constitutionality of polygamy.

MIFUMI believes that polygamy is the most significant factor fueling violence and abuse against women and children. It is very common to come across cases where women have been dispossessed of land and property used as bride price to marry a second wife, or where families are abandoned through negligence or inability to provide for the many wives and children.

It is our belief that the custom of polygamy is unconstitutional for violating the right to equality guaranteed in article 21 of the constitution which provides that all people are equal before and under the law in all spheres .

Polygamy violates the freedom from discrimination guaranteed in article 21(2) of the constitution which provides for all persons freedom from discrimination on grounds of sex, because the custom does not allow a woman to marry more than one husband.

The custom of polygamy is against the dignity, welfare and interest of women and undermines the status of the family and should be prohibited as demanded by Article 32(2) of the Constitution.

The failure or refusal of government and parliament to outlaw polygamy is unconstitutional as being contrary to Article 32(5) of the Constitution.

Polygamy is unconstitutional for failing to accord the woman full and equal dignity of the person with men contrary to Article 33(2).

The custom of polygamy creates unhealthy competition for the man's attention and leads to prolonged/ endless psychological torture and physical violence contrary to Article 24 of the Constitution.

MIFUMI believes that polygamy deprives the family members of equality in their marriage contrary to Article 31(1)(b) of the Constitution because the husband cannot afford to offer undivided attention to one wife during the relationship.

MIFUMI believes that this petition is an on-going commitment to the promotion of women's personal security and improved quality of life. According to Patrick Ndira, Director Programmes MIFUMI, polygamy and bride price are all ingredients of customary marriages which underscore the subordinate position of women in marriage.