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# From the Mansions to the Margins: Fear and Stigma of Divorce and Its Implication for Married Women in Uganda

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## **Contents**

Acknowledgment	iii
<b>Abstract</b>	<b>vi</b>
<b>Relevance to Development Studies</b>	<b>vi</b>
<b>Chapter 1 Overall Introduction</b>	<b>2</b>
1.1 Introduction	2
1.2 Background	3
1.3 Research Objective and Questions	5
1.3.1. Research Objective	5
1.3.2. Research Questions	5
1.4 Current State of the Academic Field	6
1.4.1 Feminist Perspectives on Marriage	6
1.4.1 Religion and Divorce	7
1.5 Stigmatization of Divorce	7
1.6 Outline of Chapters	8
<b>Chapter 2 Theoretical Approach</b>	<b>9</b>
2.1 Introduction	9
2.2 Property Rights and Divorce in Uganda/Locality	9
2.3 Husbands, Wives, Children: The Support System	11
2.4 Stigma	12
2.4.1 Public Stigma	13
2.4.2 Internalized Stigma	13
2.5 Conclusion	13
<b>Chapter 3 Methodology</b>	<b>14</b>
3.1 Introduction	14
3.2. Collecting of the Data	14
3.3. Sampling and Ethical Considerations	15
3.4 Positionality	17
3.6 Conclusion	17
<b>Chapter 4 Between Staying and Leaving</b>	<b>19</b>

4.1 Introduction	19
4.2 Bride price and other economic reasons	19
4.3 For the sake of the children and family	21
4.4 Religion and cultural bindings	22
4.5 Will Boys be Boys?	23
4.6 Stigma Remains	24
4.7 Status and Divorce	26
4.8 Staying in unhappy marriages	27
4.9 Coping with Marriage, Coping with Divorce	29
4.10 Conclusion	30
<b>Chapter 5 Recommendations</b>	<b>32</b>
<b>References</b>	<b>33</b>

## **Abstract**

The dissolution of a marriage has a more devastating effect on women, who are more likely to experience social isolation and to be stripped of their home and other assets. Women in Ugandan marriages are susceptible to a variety of injustices and inequalities, including rape and violence in the home. Even though the legislation in Uganda permits them to file for divorce, many women are trapped in violent and abusive marriages and are hesitant to leave for fear of the social shame that would follow them if they did. Despite this, there is data that suggests that as gender equality in the country and the area improves, an increasing number of women are looking to leave their marriages. On the other hand, gendered divorce penalties may be imposed on remarriage in traditional communities. Even though the constitution of the country makes the right of married women abundantly plain, the consequence is the stigmatization that relates to getting a divorce, particularly towards women. Considering this, the goal of this study is to analyse women's perceptions on the dread and stigma of divorce, their resilience in their unhappy and/or abusive marriages and the consequences this has for their views on marital rights in Uganda. Specifically, the research will focus on women in Uganda. This was done through qualitative research, mainly compiling, and analysing information obtained from interview sessions with women that have divorced from their spouses and those who have considered divorce but did not go through with it.

## **Relevance to Development Studies**

Many women throughout the world are unhappy in their marriages but are afraid to leave for fear of social disapproval. This is especially true in traditional civilizations found in developing countries, where issues of gender equality in marriage are still frowned upon. Although numerous studies have investigated the effects that the shame and stigma associated with divorce have on women's life in traditional countries in relation to marital rights, very little is known about the situation that women in Uganda face in this regard. This study will therefore contribute to the body of knowledge on how to deal with the fear of stigma that is associated with divorce, which can contribute to the realization of gender equality in marriages in developing nations.

**Keywords:** Women, Divorce, Stigma, Uganda, Marriage, Domestic Violence, Children, Property

## List of Acronyms

COVID-19	Corona Virus Disease 2019
FIDA	Uganda Association of Women Lawyers
RFPJ	Rwenzori Forum for Peace and Justice
UBOS	Uganda Bureau of Statistics
UPF	Uganda Police Forces
WHO	World Health Organization

# Chapter 1 Overall Introduction

## 1.1 Introduction

The impact of divorce is often worse on women than on men. Whilst women may be socially shunned and lose their houses and property once a marriage disintegrates, this is rarely the case for a divorced man (van de Walle, 2018). In Ugandan marriages, women are subjected to several injustices and inequalities, including rape and domestic violence (Roberson, 2020). Although Ugandan law allows them to seek a divorce, many women are imprisoned in violent and abusive marriages and are afraid to leave out of fear of social stigma. There is a very high incidence of physical and emotional abuse at the hands of intimate partners and spouses among married women in Uganda (Kwagala et al., 2013: 2). It is among the highest in the East African region (UBOS, 2018), with over fifty per cent of women aged fifteen to forty-nine years old who are married having experienced intimate partner physical and sexual violence at least once in their lifetime.

Even though the vast majority of instances of domestic violence do not get reported to the police, the annual report of the Uganda police force estimated that a total of 15,544 cases of domestic violence were reported in 2017, which represents a 16.8 percent increase from the number of cases reported in 2016 (UPF, 2017:16). Although there is evidence that as gender equality in the country and the region improves, more women are seeking a divorce (Njogu & Orchardson-Mazrui, 2013; Adamczyk, 2013). This can be explained by the fact that gender equality is enabling women know their rights and stand by them. Lazarus et al. (2017) claim that traditional societies impose a gendered divorce penalty on remarriage. The punishment is stigmatization associated with divorce, particularly against women. This explains why divorce is not typical in Uganda, with only 7% of the population having a divorce in the last four years (Kaggwa et al., 2021) and 32% of divorcees left without a legal approval or validation (Hill, 2020: 6).

Despite the importance of religion and traditional norms that favour men over women on marital rights, it is essential to point out that several other reasons might be responsible for the fear and stigma of divorce in Uganda. These reasons include that many women choose to stay in abusive relationships rather than risk leaving an abusive partner. According to research conducted by the government of Uganda, 57.4% of women and girls remain in violent relationships because "Divorce separation is disgraceful." However, more than half of women remain in abusive relationships for other reasons. For instance, 56.2% of women stay because they are financially dependent on their husbands, 57.7% of women stay because they are concerned about their children, and 58.4% of women stay because their husbands paid a hefty bride price for them (UBOS, 2018: 20-21). Each of these aspects played a role in the unfavorable outcome. As one of the interviewees said:

"I got married while I was in the village. In the village, you would simply leave home and come to a man's home and get married. Later on, my husband officially came to seek for my hand in marriage (locally known as "Kukyala" in Luganda) but I was already at his home. This unofficial



marriage lasted for about a year after which he went home and paid my bride price.” (IDI 1).

Article 31(1) (b) of the Republic of Uganda Constitution established equal rights at and in marriage, throughout the marriage, and upon its dissolution, customary law practices, socialization, and the inadequate economic capacity of many women in the country make this impossible (Kafumbe, 2010). The majority of civil society and women's rights advocacy groups in Uganda is focused on passage of the Marriage and Divorce Bill, one of the most debated laws in Uganda's history which has languished in Parliament for nearly half a century. Yet little attention is paid to the impact of fear and stigma of divorce, which may prevent women from leaving abusive relationships in the first place, even when the law allows them to do so. Various studies (Saraswati, 2020; Pirak et al., 2019; Arugu, 2014; Dasgupta, 2005) have documented the influence of fear and stigma of divorce on women's lives as it relates to marital rights in traditional communities, but little is known about the experience of Ugandan women. In light of this, the purpose of this study is to investigate women's perspectives on the dread and stigma of divorce, their resilience in their unhappy and/or abusive marriages and the implications this has for their views on marital rights in Uganda.

## 1.2 Background

According to Price (1983), divorce can be understood as the formal breakup of a socially and legally recognized marital connection that modifies the obligations and privileges of the two individuals involved (Hiller & Recoules, 2010). As a significant life event, it has significant social, psychological, and legal ramifications and implications for one's personal, economic, and societal well-being" (Pachauri & Rathi, 2018). While Philippines and Vatican City are the only countries in the world that do not allow divorce (Melgar, 2021; Fresnoza-Flot, 2019), however, in practice, procuring a divorce can be quite problematic in many countries that use a fault-based divorce regime (Hersch & Shinall, 2020). The right to divorce, both in legislation and in reality, has been and continues to be a sensitive topic in many nations, and public conversation encompasses various ideologies such as religious interpretations, social conservatism, and feminism (O'Shaughnessy, 2009).

Nevertheless, it has been suggested that women devote more time and take on more extensive obligations inside their families and that, as a result, they may perceive divorce as a more significant disappointment than males (Kabumba, 2021). Divorce processes are commonly criticized and stigmatized against women, regardless of who starts them. Research on the influence of patriarchal norms in Pakistan is also relevant to the Ugandan context (Sharma, 2011). Divorced women face significant prejudice at their place of employment from coworkers and from supervisors in which they can be victimized through gossip (Fuchs, 1989). In addition, they are given fewer possibilities for professional development. This prejudice increases turnover intentions and stress levels, hurts cognitive functions, and interfere with women's work-life balance (Konstam et al., 2016). In their study on divorce status in Pakistani workplace, Saeed et al. (2022) argues that preventing a scenario from occurring and/or concealing one's identity are two of the most common mechanisms for coping with gender-based stigmatization.

When Uganda became a protectorate of her Majesty the Queen of England in October 1904, one of the laws that Uganda received from the British was the Divorce Act, Cap 249. This law, enacted during the colonial era, was one of the many laws Uganda had imposed on the country by the British (Kabumba, 2021). Despite significant changes in the legal landscape and multiple attempts to update Uganda's marriage legislation, the Act has not been amended since it was passed (Morris, 2021). In Uganda, a husband or wife may petition the court for a divorce or dissolution on the grounds of cruelty, adultery, or desertion without sufficient justification for two years or above. If the court determines that the claims made in the petition are accurate, the court will grant the judicial separation (Semugabi, 2018).

In contrast to the relative ease with which women can get their marriage dissolved on the grounds of insanity, bigamy, or impotence, the basis of cruelty is significantly more challenging for women to prove (Semugabi, 2018). It would be necessary for them to demonstrate that the cruelty is of such a severe kind that they are unable to continue living with their spouse because it would put them in danger, either mentally or physically. Suppose the grounds for divorce that were pleaded in the petition are successfully proven, in that case, the court will grant decree Nisi. It takes six months to determine whether or not the couple can reconcile their differences. If the couple does not get back together within the allotted amount of time, the court will be left with no other choice but to terminate their marriage permanently. Despite this, a considerable number of weddings are not officially recorded in Uganda. According to the findings of several studies, more than half of all weddings in Uganda can be considered to be traditional marriages (Hill, 2020; Mujuzi, 2020).

As indicated by the poll results, only a minuscule fraction of three percent of those who believe they had to go through a divorce or legal separation went to court (Hill, 2020). It appears that weddings conducted according to regional customs take place rather frequently, particularly in more rural areas (Edmond, 2019). These organizations are regarded as totally informal (Hill, 2020). A number of studies distinguish weddings that are hastily arranged and those that are planned out in advance. Traditional marriage is built on the solid family ties created by the adherence to customs such as acceptance by in-laws, dowry, and other such things. These aspects form the basis of the marriage (Mujuzi, 2019). When a couple decides to begin living together, they participate in an informal form of the marriage rite prevalent in many different cultures (Mujuzi, 2020). The type of marriage involved is a significant factor that has a substantial influence, to a large extent, on both the material and non-material consequences brought on by a partnership. The ownership of assets, the right to custody, child support, spousal maintenance, and the right to inheritance are significant characteristics that differentiate formal/court marriages from customary marriages (Mujuzi, 2020). If the couple wed in a civil ceremony, the Divorce Act outlines the grounds for filing for divorce and the consequences (Wafula, 2017).

On the other hand, a customary marriage that has not been registered does not render it unlawful. The Customary Marriage (Registration) Act Cap 248, which was passed in Uganda, makes it feasible for couples to legally wed under traditional circumstances (Mujuzi, 2013). The Act, on the other hand, does not cover the laws and procedures that govern the dissolution of customary marriages, nor does it address the rights and obligations that are

connected with each partner in a customary marriage (Amito, 2018; Wafula, 2017). It is sufficient grounds for the dissolution of traditional marriage for either spouse to live in separate residences. In contrast to the divorce process, there is no official procedure for separation, and there are also no substantive regulations that must be adhered to.

In most cases, the decision to dissolve a partnership is arrived at through informal agreements (Lwanga et al., 2018). When it comes to the subject of dissolution of marriage, many experts of the law believe that traditional marriages come with many risks that are inherently present for both the partners in the marriage and the offspring of the couple (Kafumbe, 2010; Mujuzi, 2019). Their constitutional rights and the protections afforded to them by the law are not guaranteed, and it will not be easy to defend them under these circumstances (Mujuzi, 2019). One can ponder the question, "Why do so many Ugandan women choose to wed traditionally?" One possible response to the question is that Uganda was ranked among the top 20 countries in the world in terms of the prevalence of early marriages (Bantebya et al., 2014; Neema et al., 2021), and the majority of the early marriages that take place in Uganda are not registered. This is one of the reasons why Uganda was given this ranking (Nango, 2015). In addition, a study conducted in 2020 by Hill on the topic of divorce and separation in Uganda revealed a general lack of information regarding the repercussions of cohabitating outside of the context of a marriage that is recognized by the law. People, and women, in particular, will commonly get into a traditional marriage because they are ignorant of the potential implications that may result from such a union. This is especially common and a typical occurrence.

### **1.3 Research Objective and Questions**

#### **1.3.1. Research Objective**

The main objective of this research is to understand what women in Uganda think about divorce, and why they may prefer to stay in their unhappy and abusive marriages instead of filing and getting a divorce when the situation seems to merit this.

#### **1.3.2. Research Questions**

To achieve the desired outcome, the research is guided by the following main question and sub-questions.

What do women in Uganda think about divorce and why do they prefer to remain in unhappy and abusive marriages instead of getting divorced?

The sub-questions are:

1. What are the challenges that women go through during their unhappy and abusive marriages?
2. What factors encourage or discourage divorce?
3. What are the perceptions in the wider society after divorce?

## 1.4 Current State of the Academic Field

This section presents literature, most from a feminist perspective, about marriage and the role of religion and culture in the stigma that can come with divorce.

### 1.4.1 Feminist Perspectives on Marriage

According to the perspective of feminism, marriage between people of different sexes is an institution that has traditionally been rooted in patriarchy, and that encourages male supremacy and authority over women (Obbo, 2018; Amadiume, 2006). Within the context of this power structure, men are conceptualised as "the provider functioning in the public domain," whilst women are seen as "the carers functioning within the domestic domain" (Weadock, 2004). "In theory, women were considered as the possession of their husbands. A woman's infidelity was always handled with a greater degree of stringency than that of a man (Evans, 2004). The aspirations of feminism for a wife to have authority over her assets were not realised [in some areas of Britain] until laws were enacted in the latter half of the 19th century (Holcombe, 2019).

In the traditional model of heterosexual marriage, the wife was responsible for making herself sexually available to her spouse, and the husband was responsible for providing financial and material support for his wife. Throughout history, many philosophers, feminists, and other prominent personalities in the academic world have offered their thoughts on this topic. These individuals have criticised the dishonesty of legal and religious authorities in regard to sexual concerns, pointed to the lack of alternatives a woman has in regard to managing her sexuality, and drawn comparisons between marriage, an institution that is seen as holy, and prostitution, which is widely reviled and loathed. During the 18th century, Mary Wollstonecraft coined the phrase "legal prostitution" to describe marriage (Tomaselli, 1995). In his work titled "Marriage and Morals," Bertrand Russell made the following assertion: "Getting married is for women the commonest kind of income, and the total amount of unwanted sex experienced by women is likely more in a marital relationship than in prostitution" (Russell, 2017).

Some opponents disagree with what they regard as disinformation concerning marriage – from the state, religious organisations, and the media – which vigorously promotes marriage as a panacea for all societal issues; such indoctrination comprises, for example, marriage advocacy in schools, where youngsters, especially girls, are inundated with positive stories about marriage, being presented exclusively with the material provided by authorities (Hardisty, 2008).

The power dynamic in a heterosexual marriage is influenced by how men fulfil their traditionally dominant gender expectations and women fulfil their traditionally subordinate gender roles (Tichenor, 2011). In many families, women internalise traditional gender preconceptions and frequently assimilate into the position of "wife," "mother," and "caretaker" in conformance to cultural conventions and their male partner's expectations. This occurs because women believe that these roles are more appropriate (Obbo, 2018; Amadiume, 2006). According to bell hooks, individuals "learn to accept sexist oppression as 'normal'

within the framework of the family and are predisposed to embrace various forms of oppression, including heterosexist control. The husband's cultural, economic, political, and legal supremacy was traditional under English law. A vision of egalitarian marriage, also known as peer marriage, starkly contrasts this patriarchal dynamic. In peer marriage, authority and labour are shared equally and do not following gender roles.

### **1.4.1 Religion and Divorce**

Most Christian faiths maintain that marriage is meant to be a lifelong commitment, although their responses to its dissolution through divorce differ. The Catholic Church considers all consummated sacramental marriages to be permanent for the spouses' lifetimes and consequently does not permit remarriage after divorce if the other spouse is still alive and the marriage has not been annulled (Meftah & Abdollahi, 2018). According to church law, divorced Catholics are still welcome to contribute fully to congregation life if they have not remarried (Tsuma & Atony, 2019). Other Christian groups, notably the Eastern Orthodox Church and many Protestant churches, permit divorce and remarriage even with a surviving former spouse, at least in specific situations (Khen & Abd Hakam, 2019).

And according to the Quran, marriage is designed to be eternal, but when marital peace cannot be achieved, the partners are permitted to dissolve the union (Mgamis, 2020). Some divorces in Islam are initiated by the husband, while others are initiated by the wife (Nurlaelawati, 2013). Talaq (repudiation), khul (mutual divorce), judicial divorce, and oaths are the primary traditional legal classifications (Jaafar-Mohammad & Lehmann, 2011). Historically, the philosophy and practice of divorce in the Islamic world have differed. Historically, divorce was ruled by sharia as interpreted by traditional Islamic law, and the laws varied based on the legal school (Johnson & Sergie, 2014).

Divorce has become a more acceptable option during the previous four decades (Ortiz-Ospina & Roser, 2020), even when children are involved (Shimkowski et al., 2018). Several families and personal life choices, including attitudes about sex roles, cohabitation prior to marital union, marriage, childlessness, and other options, were discovered by the researchers to be on the rise throughout time (Su et al., 2018; Ortiz-Ospina & Roser, 2020). Although studies indicate greater acceptance of divorce, the stigma associated with divorce has been found to play a defining role in the perception of the other (Gerstel, 1987). The stigmatization of the other is a necessary prelude to the breakdown of relationships due to stigmatization. This typically results in the devaluation of the divorced person (Gerstel, 1987), and the person's feeling of self-worth is reduced due to the discrediting (Vogel et al., 2013).

### **1.5 Stigmatization of Divorce**

As Goffman (1963) put it, "the divorced get perceived as a less desirable kind, and they perceive themselves as a less desired kind" (cited by Gerstel, 1987: 173). Gerstel (1987) found support for Goffman's conceptualization in interviews with 104 separated and divorced respondents of diverse socioeconomic positions, education, and occupational status. Gerstel argued that, despite a clear and significant decline in the indignation of divorce, "informal relational punitive measures" are pervasive and insidious (Gerstel, 1987: 173). Due to the

negative connotations of divorce in South Asian society, women made every effort to avoid it to ensure that the entire family was in one place (Bhandari, 2022). Arditti and Lopez (2006:143) conducted a study on women's perceptions of divorced women in Puerto Rico and the Dominican Republic and discovered that expressed attitudes were polarized; divorced women were either viewed as "independent" and "successful" or as "failures and social outcasts." The authors discussed the issues of shame and the significance of women "enduring" to sustain the family in detail. During an investigation of attitudes on divorce among low-income women conducted by Cherlin et al. (2008), it was discovered that one-fourth agreed with the belief that divorce is embarrassing for women.

## **1.6 Outline of Chapters**

The rest of the paper is organised as follows; chapter 2 presents the theoretical approach, presenting the review of the topic in the literature; chapter 3 presents the methodology and the technical approach adopted when carrying out this study; chapter 4 discusses the findings and results from the study, while going deep at every possible scenario. Finally, chapter 5 presents general conclusions, perspectives and give recommendations for future research on the topic.

# Chapter 2 Theoretical Approach

## 2.1 Introduction

The focus of this chapter is the discussion of the theoretical approach that is deeply rooted in stigma and divorce as well as the implication it has on women that are subjected or abusive marriages. The chapter will relate the literature on gender-based divorce to the Ugandan context, particularly looking at how are women treated vis à vis men in terms of property rights after divorce, the family support system for men, women, and children, and finally the internal and public stigmatization of the women after divorces.

## 2.2 Property Rights and Divorce in Uganda/Locality

The Divorce Act and Customary Law are the two bodies of law that govern divorce in Uganda (Norah, 2014; Nyalwa, 2016; Kamutungire, 2017; Bakibisemu, 2019). Divorce results in the dissolution of marriages, which raises the question of what happens to the family property after a marriage has been dissolved: is it divided between the parties in an equal manner, or what share of the property is awarded to the wife or the husband? The Divorce Act, on the other hand, does not include any regulations for the distribution of marital property once the marriage has been dissolved, except for Sections 15 and 26 (Edmond, 2019). The Act stipulates that if a judicial separation has been ordered, the wife is to be treated as though she has never been married for the purposes of any property that she may acquire or that may come to her because of the judicial separation (Kamutungire, 2017). She is therefore free to deal with property in the same manner as if she were unmarried.

Although the provision preserves property obtained by the wife, it does not guarantee that she is entitled to any part of the family property (Edmond, 2019). If she passes away intestate and while the couple is still legally separated, her husband would not be entitled to any portion of the property. The same Act is intended to protect the proprietary rights of the wife in situations where the husband has obtained an interest in the property as a result of the marriage. If the husband deserts the wife, she has the right to petition the court for an order protecting any property she may have obtained or may obtain after the desertion. A property will be shielded from the husband as well as his debtors if the injunction is granted. Again, this rule only protects the woman's property if she acquired it after the guy deserted her after the marriage. This provision would be more equitable for the woman if such men lost rights obtained by virtue of the marriage even in property that the wife acquired prior to the desertion. This is because the basis for the right has been terminated by the desertion of the husband (Wahwa, 2018). It should be noted that the seeming protection offered to such a woman is made more of a "mockery" when the provision offers the husband the power to petition to court for a discharge of the order when the desertion has ceased (Edmond, 2019).

Given that the wife is the legal owner of the property, it is appropriate for the wife to decide whether the order should be modified or revoked. It is even feasible for the husband to return to the wife to use her property to settle his debt, and then forsake her once again after he has accomplished his goal. Not only does the law of divorce fail to properly account

for a wife's property, but it also treats females in a way that is unfairly discriminatory (Norah, 2014; Nyalwa, 2016). According to section 26 of the Ugandan Divorce Act, if a man's adultery was the reason for the divorce or judicial separation and the wife was entitled to any property, the court may order that the whole or part of the property be given to the husband or to the children, but on the sole grounds that the man is designated as the caretaker for the children. This provision applies only in situations where adultery was the cause of the divorce or judicial separation (Nyalwa, 2016).

Even in cases where a male is the one who should face consequences and take responsibility for their actions, they are usually exempt from any sanctions or shame. Such discriminatory tendencies, despite being prohibited by the Constitution of Uganda, do exist in its statute books. And divorced women will not be fully able to enjoy equal proprietary rights with men, until such discriminatory provisions are either eliminated or modified from the law (Edmond, 2019). Even though the act that governs divorce does not provide for the equitable distribution of property between the two parties, Kafumbe (2010) argues that courts typically do apply this principle in practice.

In accordance with the provisions of Section 17 of the Married Women's Property Act, the courts have the authority to arbitrate disputes involving title or possession that arise between a married couple's wife and husband (Bakibisemu, 2019). This Act does not include any rules that specifically address how property should be divided; as a result, there is confusion and, at times, contradictory decisions; this is since certain cases revealed significant differences of opinion among the judges (Wahwa, 2018). Although courts will typically order the division of property or the sale of property in ratios representing the contributions made by each party in situations in which both parties made direct contributions to the purchase of the property, the position in direct contribution is not a sure thing (Edmond, 2019). As a result, the division of property during a divorce is still very challenging because the laws that are currently in place do not facilitate such a process of division. Furthermore, the courts are granted authority, under Section 28, to alter prenuptial and postnuptial agreements as provided for under Section 27. However, prenuptial agreements are extremely unusual in the context of Uganda. As a result, a provision of this kind might never be used at all due to the cultural traditions that exist.

The situation is much more dire for a woman who cohabits because in Uganda there is neither a presumption of marriage nor a practice of marriage by repute. The Divorce Act does not include any provisions for people who have made the decision to not marry using any of the four recognized forms of marriage. As a result of these factors, there are no legal provisions that can be used to establish what will occur with the property that they jointly bought. The practice of cohabitating is extremely widespread, and it typically involves younger women and older, wealthier men who are already married. If these young women choose to end their relationships with such men, the only legal option available to them will be to file a civil action in accordance with the general law of contracts to assert their rights to their respective shares of any property they may have acquired during the relationship. If this does not occur, they are not eligible for any type of restitution, and as a result, they forfeit whatever claims they may have had to any property they may have contributed to. Considering this, it is essential to emphasize that while if the laws of Uganda, including the country's



constitution, provide formal equality for men and women, this is not the case in practice. When one considers the fact that the same constitution acknowledges a traditional society, it is clear that allowing women the same rights to property as males is not in any way a progressive step. Not only does the wonderful concept of equal rights result in a scenario that is contradictory, but it also gives ready ammo for patriarchs, who can use it to hinder the efforts of women to improve their lives by denying them the rights to own property.

### **2.3 Husbands, Wives, Children: The Support System**

The Constitution of the Republic of Uganda (1995) states that "Men and women of the age of eighteen years and above have the right to marry and to start a family and are entitled to equal rights in marriage, during marriage, and at the time of the marriage's dissolution." The Marriage Act details the processes that must be followed to become married. There are five distinct kinds of weddings that are recognized by the law: 1. Civil weddings, 2. Moslem marriages, 3. Marriages performed in churches, 4. Marriages according to local customs, 5. Hindu weddings. Civil marriages take place at the office of the Registrar of Marriages or are conducted by the Chief Administrative Officer at the district level; church marriages take place in a place licensed as one of worship; Islamic marriages take place according to the Islamic religion faith; customary marriages are undertaken according to the traditions or customs of a particular community or tribe; and Hindu marriages take place between Indians of the Hindu faith. The Marriage Act does not govern marriages performed according to Muslim or Hindu customs. For the marriage to be recognized by the state, both parties need to sign a certificate that contains a duplicate of it as soon as the festivities have concluded. The registrar's office is another place where people can enter marriage contracts. Simply signing the document will transform a traditional marriage into a marriage that is recognized by the law (either church or civil).

In Uganda, family issues are cited as people's most significant source of stress by more women than men (70 percent vs. 30 percent respectively). However, a striking and shocking statistic is that only sixty-two percent of the people who list divorce or separation as their most important concern are women, whereas only 38 percent of those people are men (Hill, 2020, p. 27). The preponderance of women who describe their divorce or separation as their most important concern may be plainly observed in the impact that such problems have on their lives (Hill, 2020, p. 29). When a family bond is failing, the most vulnerable members are the children and the impoverished, illiterate women who live in rural areas. As a result, they have the largest requirement for equitable and just answers to their problems. Having children increases the likelihood of experiencing issues such as divorce, separation, and other types of family conflict. There are children involved in around eighty percent of situations involving separation and divorce (Hill, 2020)

Divorce and other forms of family dissolution have a greater influence on the lives of individuals than do most other legal issues. This one legal issue has a more significant impact than the other family-related issues combined. When a family tie is severed, it can have a significant effect on the lives of the individuals involved. When relationships of this nature suddenly come to an end, individuals are subjected to severe negative impacts that might

permanently change their lives. Divorce or separation is the path out of an abusive relationship for certain people, most commonly for women (Kafumbe, 2010). It is possible that the availability of straightforward routes to justice could mean the difference between life and death in particularly dire circumstances (Hill, 2020). A person's entire way of life and their future as a human being are both put in jeopardy while they are going through a divorce or separation, in addition to the security issues that are involved. It takes commitment and an investment of one's whole life to maintain healthy family relationships. Most of the divorce and separation cases inevitably involve some level of stress, as well as other negative health effects. In these kinds of situations, things like property, employment and commercial contacts, and position in the society and community are all up in the air (Hill, 2020). A life can undergo a significant transformation for the worst in a relatively short amount of time. Women are statistically considerably more likely to be on the losing side in contentious family law matters such as divorce and separation.

Divorce and other forms of parental separation can have a particularly detrimental effect on children (Douglas, 2020; Damota, 2019; Bojuwoye & Akpan, 2009; Maundeni, 2001; Molepo et al., 2012). In the most extreme examples of broken families, the children are put in dangerous situations where they are abused, exploited, or subjected to other forms of physical or psychological violence (Douglas, 2020). The disintegration of a family can put children in dangerous situations, including potential run-ins with the law and even the possibility that they could be forced to become homeless (Molepo et al., 2012; Kleinsorge & Covitz, 2012). In the event of a divorce or legal separation, one of the most important considerations is the health and happiness of the children involved (Bojuwoye & Akpan, 2009). Children are typically the most defenceless members of a family unit when relationships are failing. In extreme circumstances, such outcomes can aggravate dramatically. There is also the question – which I study only indirectly through the experiences and views of women – as to whether the legal system is adequately catering to the requirement to protect children's basic rights.

## **2.4 Stigma**

Stigma is a complex phenomenon that has piqued the curiosity of social scientists working across a wide range of communities and contexts (Corrigan, 2014; Goldberg & Smith, 2011; Sedlovskaya et al., 2013; Vogel et al., 2013). Stigmatization, according to Goffman (1963), is described as "the situation of being denied complete social acceptance" (as cited by King, 2008: 58). Stigma prevents people from gaining access to resources and support—essential assets for successful adaptation (Link & Phelan, 2001). According to Ungar (2011), the greater an individual's ability to secure resources (e.g., financial security, tangible and emotional support), the greater their ability to manage stress. Members of a considered group are more likely to suffer low self-esteem, low self-efficacy, low confidence, and even discrimination. As suggested by Corrigan and Kleinlein (2005), if the cultural stereotypes associated with the group are immersed in unpleasant discrimination and prejudice. According to research, individuals subjected to stigma are also more likely to significantly underutilize mental health services (Vogel et al., 2010).

Stigma can be enacted through overt prejudice or internalized through internalized discrimination (Vogel et al., 2013). It is necessary to consider the influence of stigma as shown in social and structural patterns. In addition to physical acts against an individual, stigma can manifest in how individuals respond to their standing in society. As suggested by Link and Phelan (2001: 367), "elements of labelling, stereotyping, separating, status loss, and discrimination [that] co-occur in a power structure that allows these processes to emerge".

### **2.4.1 Public Stigma**

Public stigma is separated from self-stigma, according to Corrigan (2014), who also recognized three fundamental components of stigma: stereotypes, prejudice, and discrimination. Stereotypes are knowledge structures composed of perceptions and expectations that, in most cases, lead to classification and are endorsed by most members of a social group in the context of public stigma. Individuals may be aware of the preconceptions associated with a specific group, yet they may believe that these stereotypes are untrue. Accepting negative ideas about the specified group is considered prejudice, as opposed to stereotypes; discrimination is regarded as the behavioural expression of prejudice toward the recognized group, as opposed to prejudice and stereotypes (Corrigan & Kleinlein, 2005; Vogel et al., 2013). The contrasts between stereotype, prejudice, and discrimination are focused on the self in the context of self-stigma (Jones & Corrigan, 2014). For example, when it comes to stereotypes and prejudice, the individual is aware of the stereotype, supports the negative stereotype, and applies the stereotype in a biased manner to himself or herself. Because the individual has internalized the prejudgment, he or she behaves following the bias.

### **2.4.2 Internalized Stigma**

Internalized self-stigma may show as emotions of shame and a lack of social integration with others, among other things (Vogel et al., 2013). When individuals have internalized these unfavourable beliefs, the interplay between internalized stigma and the experience of discrimination or prejudice leads to even higher misery and more degraded mental health performance (Corrigan, 2014). As a result, the impact of public stigma changes in proportion to the degree of internalized stigma, and the interaction of public and internalized stigma shape one's self-concept and influences mental health functioning as a result.

## **2.5 Conclusion**

In conclusion, this chapter has discussed the main laws governing property rights in Uganda in relation to divorce, of which the Act does not include ways of dividing marital property when it comes to divorce although does provide for protection of the woman's property in different ways, depending also on the circumstances. The chapter also discussed the five types of weddings recognised by law in Uganda. The effect of divorce and family conflicts are greater compared to other legal issues and this affects all family members including children. Divorce also comes with stigma, which can be characterised into internalized and public stigma, which prevent people from getting access to resources and support.

# Chapter 3 Methodology

## 3.1 Introduction

As the main objective of this research was to understand what women in Uganda think about divorce, and why they may prefer to stay in their unhappy and abusive marriages instead of filing and getting a divorce when the situation obliges, the research problems and questions that were posed to inspire the study are what ultimately guided the design of the study. For the contextual requirements of this study, qualitative research was preferable since it helps to address the worry of understanding the research problem in its larger context. Qualitative study also allows to collect feeling based as well as observational information, the two which unfortunately cannot be obtained through a quantitative study. The qualitative method is open to a procedure that is less structured but more rigorous, and it captures the effort that is made to investigate the background of a research issue. According to O'Leary, the goal of qualitative research is to "gain an intimate understanding of the people, place, culture, and situations through rich engagement and even immersion in the reality being studied" (O'Leary, 2014:130). This is the direction in which O'Leary pointed out that qualitative research seeks to "gain an intimate understanding of the people, place, culture, and situations" (O'Leary, 2014:130). Therefore, the qualitative approach places an emphasis on providing detailed descriptions and narratives that reflect the mental and emotional state of the local people of interest. Primary data are typically collected using a tool in the form of an interview that is semi-structured, with questions that are open-ended. The purpose of the interviews was to collect first-hand accounts of marriage and the stigma of divorce from women living in Uganda.

## 3.2. Collecting of the Data

With both the time and cost constraints playing a big factor, I decided to hire one research assistant to help facilitate the process because I wanted to ensure that the qualitative data was collected in a meticulous and sufficient manner. Although I am from the area, I have spent most of my life in Kampala, the capital of Uganda; consequently, the research assistant was recruited on the basis that they had local knowledge that could facilitate the process of data collection. Information, differences in the cultural orientations of research assistants must be considered and strategically resolved through the process of recruiting. During the research, the position of the research assistant is analogous to that of a bridge (Caretta,2015). In developing countries, there is a huge gap between urban and rural areas, both on a micro and macroeconomic level. For example, the education levels, the employment level, and the crime rates are different in the two regions; and thus is the gender-based perception. Therefore, getting a research assistant who is based in the area was a pivotal factor in conducting this research in a way that the locals would feel at ease with her/him and confide her/him with sensitive information that they would not easily share with someone else they might feel is a stranger.

Because of the COVID19 pandemic and the subsequent travel restrictions and health precautions, I was unable to travel to Uganda myself to coordinate and oversee the data collection phase. Thus, again, it became imperative second factor for me to hire an experienced research assistant. Recruiting a research assistant to fill the hole left by my absence was a difficult task, but the research assistant was familiar with the data collection process and had the necessary research competences and experience. The importance of the research assistants, which has consequently grown considering recent developments, has a direct bearing on the degree of accuracy to which the collected data and the overall study are of high quality (Caretta, 2015). To be as clear, clean, neutral, subjective, and professional as I could be, I advertised the position locally through the word of mouth and social medias, and qualified and competent candidates submitted their quotas. In the end, I was able to hire one postgraduate student who is now in his third year of a doctoral program and demonstrated his ability to conduct research in the fields of social science and issues relating to gender. For me, he was the perfect candidate because he brought in both his practical knowledge through experience acquired in his past job positions, and a theoretical knowledge as he is currently specializing in the field.

I held virtual meetings with the research assistant and briefed him about the overall goal of the research and the research questions. This way, I was confident enough that the assistant was aware and knew what it takes to carry out the tasked offered. Beforehand, I had drafted the questionnaire on my own which suited my needs and desired information. We went through it together, analysed every piece of it, and then he made his comments and suggestions, and we then adjusted accordingly. Being a British colony, the vast majority of Ugandans speak or understand English. The questions were in English, but for efficient communication, we then translated them to Luganda (the local language in Uganda) for those local respondents who did not know English. It is important for the research assistant to have emotional intelligence so that they do not get in the way of the data collection process. As a result of the present outbreak of COVID19 and following the government guidelines at the time, the research assistant was given preventative and protective measures, such as face masks and hand sanitizer, in accordance with the recommendations made by the WHO.

However, it was difficult to find divorced women to interview as most of them were not willing to share their experiences. This further confirms my sense that stigmatization can be associated with divorce. Therefore, most of the women that were finally interviewed were married, but were either already in the process of filing for divorce, or had considered doing so.

### **3.3. Sampling and Ethical Considerations**

Taherdoost (2016) argues that sampling is referred to as the process of selecting a small and representative group from a large population. For the purpose of selecting the women who took part in the study, a technique known as purposive sampling was used. Purposive sampling refers to the process of selecting a sample in which the research relies on her/his judgement and tastes. This is very different from the widely known random sampling in which samples are drawn randomly without any specific criteria, but just the general criteria. In the

purposive sampling, women who were at least 21 years old and have either considered divorce or separation from their husbands qualified for consideration as candidates for the position. I could have wished to access a larger sample, but the health, financial and time constraints did not allow me to do so. Hence, data collection involved conducting interviews with a total of twenty (20) different women. The respondents were identified through social researchers in Makerere University. Beyond referrals, data collection also operated through 'snowballing', where one respondent referred the research assistant to another potentially interested candidate for interview.

The conduct of social research on humans, who must not be put in any danger as a direct result of their participation in the research, necessitates taking into account several ethical factors as one of the most important considerations. One definition of research ethics states that it is "the moral deliberation, choice, and accountability on the part of researchers throughout the research process" (Edwards & Mauthner, 2002). This moral deliberation is essential to resolve predicaments that might occur during the research process. This is done to protect the integrity of the study outcome and to demonstrate a high level of accountability to the people who are the subjects of any study (O'Leary, 2014: 47). Therefore, it is important for the researcher (or researchers) to address their own positionality, acknowledging the researcher's affiliation and identity in relation to the research topic (Berger, 2015; Sanghera and Thapar-Bjorkert, 2008).

To guarantee that an honest transcription of the respondents' points of view was produced, the research assistant and myself complied with the ethical requirements in place. This was because the researcher is required to strive for objectivity throughout the procedure and refrain from imputing anything into the narrative data that was not intended by the participants (O'Leary, 2014). Therefore, it is the responsibility of the researcher to ensure that the study data is recorded accurately to the greatest extent possible. The identities of the women was protected, although some respondents did not mind if their names were used. On the other hand, some people were concerned about the implications that using their names might have on their children, particularly in relation to child support or the threat of physical assaults. Since we did not know what the implications of using the respondents' true names would be, we decided not to use them in any case.

As a result, the respondents were identified in the study using numerical identifiers. To protect oneself from being victimized in any way, it was essential that this precaution was taken. They were not asked for any information that can be used to identify them, such as the region in which they live or the administrative district in which they are located. Before moving on with the interview question, we made sure to have the participants' informed full consent first. In addition, the participants were told of the goal of the research in the participant's native language, which for the majority of participants was Luganda. They also had the option of letting us know at any time during the procedure, if they did not feel comfortable continuing, and had the option to terminate the interview altogether, as well as the option to decline to answer certain questions. This was to ensure that the participants did not experience any discomfort or trauma as a result of the questions, the responses to which might have been unsettling, especially considering that psychiatric support would not normally be available to them.

### **3.4 Positionality**

When it comes to maintaining some kind of neutrality, explaining one's positionality is crucial. It is defined as the "researcher's position in multiple relations of power," including factors such as nationality, gender, sexual orientation, age, race, personal experiences, sexual orientation, urban-rural interactions, views, economic and social status (Berger, 2013: 220). Sanghera and Thapar-Bjorkert (2008) described it as a way in which significant others weave the researcher's identity as well as the researcher's affiliations. Positionality refers to the act of juxtaposing the identity of the researcher with the setting of the investigation. According to O'Leary (2014), the affiliation of the researcher places them in a power relation that is fundamental to the development of knowledge that results from interactions between the researcher and the research participants. Because of this, the question of whether or not power dynamics have an effect on the process of data collecting and the generation of information needs to be raised.

My positionality and what particularly drove me to do this research was the work I was doing at Rwenzori forum for peace and Justice (RFPJ) as a program assistant which was in line with peace building and human rights. While working there, I met and talked to several women who were faced with domestic violence and different challenges in their marriages, some of whom shared that they were considering getting a divorce. Some of the stories that they shared were unbelievable, especially because by staying in the marriage, they were putting their mental health and even physical health and that of their children in danger. Some of the problems they faced included physical abuse, drunkenness of their husbands, lack of basic needs, disrespect, being controlled and refused from working, among others. The fact that despite being unhappy, all the women shared that they chose to stay majorly because of the fear of the stigma that they would face if they divorced or separated from their husbands encouraged me to take on a study to understand the divorce stigma issues and the factors that keep women in unhappy and/or abusive marriages.

In addition, growing up, I always watched my father send my elder siblings back to their marital homes every time they tried to leave their husbands. Particularly, I have an elder sister who was facing domestic violence but every time she came back home regardless of how badly her husband had beaten her up, my father would always say "Go back to your husband's home, he paid bride price for you and bought you off. This is no longer your home." It was tough watching her go through so much pain and yet still must go back to her husband since she had nowhere else to go, which also contributed to my aspiration to try and find out what reasons and factors keep women out there in abusive and unhappy marriages.

### **3.6 Conclusion**

This chapter has been able to establish the process that the data was collected in order to answer the research questions and address the objectives of the study. The research difficulties and questions that were given to generate ideas for the study eventually served as the primary directives for the design of the investigation. In the context of this study, qualitative research was preferred to quantitative research since the former helps to address the concern

of comprehending the research problem in its larger context and provides detailed descriptions and narratives that reflect the mental and emotional state of the people of interest. Ethical considerations were prioritised and were given due attention.



# Chapter 4 Between Staying and Leaving

## 4.1 Introduction

At the crossroads of whether to stay married or leave, the interviewees shared their reasons and experiences. The most stated reasons for staying in a marriage even when it is abusive was for several reasons (i) related to bride price (ii) for the sake of children (iii) for religious and cultural reasons. This chapter will consider each of these, before discussing masculinity and what makes women stay in unhappy marriages, and how they cope with both marriage and divorce. This is discussed in more detail below.

## 4.2 Bride price and other economic reasons

Collectively, the interviewees shared that culturally, once bride price has been paid off, one would have to first refund it before they can separate and yet it was already consumed at the time of marriage and the parents and/or siblings of these married women can no longer afford to refund it. The inability to refund the bride price as well as the fear of putting their relatives through such a situation has led women into staying in unhappy and abusive marriages. According to UBOS (2018: 20 – 21), in Uganda, 58.4% of women stay in marriages because their husbands paid a hefty bride price for them. Some examples of what interviewees shared are below:

“We have gone through a lot because in my culture once your husband pays your bride price, you don’t leave his home for whatever reason. Even if you sleep hungry you don’t leave his home. You have to persist in every situation just like we swear in church...Yes, in health, sickness and all. I have been through a number of situations but have kept in this marriage with my children. My husband was even arrested and put in prison for 5 years, but I still kept around until he was released” (IDI 1).

“Then on the side of my family, for them they don’t want to get ashamed because the man paid them a bride price and he has been providing to them, so they also don’t take my side in case I seek for their advice and they don’t want me to leave the marriage. So, it’s better for me to be mute and leave them” (IDI 12).

This is a clear picture of how owned the women become when they enter into marriages in many developing countries around the world, particularly in Uganda. What was supposed to be a voluntary union at first goes on to become a forced ownership because of the material dowry that the abusive man has paid to get the woman. This is mostly due to the cultural norms that established a certain material donation from the man’s family to the woman’s family during the wedding. This is and has always been misinterpreted in a way that, once the bride has been paid off, the woman belongs to the man the same way the man might own a cow or any other material. And so, when the abuse reaches the level at which the woman cannot take it any longer, she is chained by the fear of having to bring back the dowry which was given to her family at the time of the wedding.

However, although IDI 1 mentions the bride price as preventing divorce, she also tells of an experience in her childhood, when the bride price was demanded back from her family, and divorce took place.

“When you probably have 5 children like me. He has to come and ask for his cows back. At times when you find that the man has a bad heart, he can even take your father to jail. My father went through the same problem. He was arrested because of his sister. My grandfather married off one of his daughters when one of his sons (my father) was still young. After some time, my grandfather passed on and my father became his heir. Later on, in life my grandfather’s daughter that he had sent into marriage decided that she wanted to get a divorce from her husband. The family of the man came home and demanded for a refund of his cows. That day he had gone to graze cows when they came looking for him. They arrested him and took him to police but the good thing we had some cows at home, and these are the ones we used to partly pay the price. My father who had become the heir to my grandfather had to stand in the picture. He was made to pay back 4 cows. I remember all this happening very well because I was old enough to understand despite the fact that I was still a young girl” (IDI 1).

This second reason highlights the hardship which women face when they wish or even consider divorcing from and quitting their abusive husbands. It tells how the effects do not stop at themselves but have to go all the way and implicate some or all the family members. And thus, a woman might decide not to quit and opt to stay in unhappy marriages for the fear of what could happen to her family if she decides to divorce. In the rural areas, the dowry given to a family is often consumed very fast because anyway the families have little or limited resources, so this dowry comes in as a complement to sustain the family. In most of the cases, you cannot go back five years after the marriage and still find the dowry. That is why the man’s side threatens the woman’s side by asking back the dowry paid off because they believe there is a higher probability that this dowry has been consumed or even sold and then the woman’s side cannot find it anymore. then, since the woman’s family cannot find it, they will be left with no other choice but to convince (honestly, force) the woman to go back and stay with the bad and abusive husband no matter how unwilling the woman is, and no matter how much she wants out.

Such experiences make it hard for a woman to divorce even if they are in an extremely abusive and unhappy marriage. The following explanation can help us understand why she does not believe she can divorce because of the bride price:

“We just have one brother who is the one staying in my father’s house. This means that if I divorce, he is the one to pay the price. I can’t go to him to become a burden and what if they arrest him, yet he is the only boy we have? Where will he get the cows in case the man asks for his bride price back, yet he also has his family to take care of?” (IDI 1).

Some of the economic reasons shared by interviewees include their fear of losing their property when they divorce, especially the property that they have acquired jointly with their husbands. Empirical studies also confirm this finding. In Uganda for example, the Divorce Act and the Married Women’s Property Act do not include particular regulations for the distribution of marital property after divorce. Women are not guaranteed of their share of marital property (Edmond, 2019; Wahwa, 2018; Bakibisemu, 2019).

### 4.3 For the sake of the children and family

Collectively, the interviewees shared that if they divorced, they feared that the children would suffer at the hands of their new stepparents and could eventually run away from home and become exposed or resort to drugs, early marriages, prostitution, among other dangerous activities. Also, they shared that they could not afford to leave with their children because of cultural constraints where it is believed that the children belong to a man. In addition, the women shared that they could not afford to take care of their children on their own. These findings are in line with literature for example according to UBOS (2018: 20 – 21), 57.7% of women in Uganda stay in their marriages because they are concerned about their children. Divorce and separation usually negatively affect children and expose them to dangerous situations and different violence forms (Douglas, 2020; Damota, 2019; Bojuwoye & Akpan, 2009; Maundeni, 2001; Molepo et al., 2012; Kleinsorge & Covitz, 2012). Some examples are now presented:

“We even see testimonies on the television where women say their children have grown up and are now taking care of them. These children will each be supporting their mother in various ways and will also testify that their mother is the reason behind their success. They will tell you how she suffered with them till she raised them. These testimonies encourage me. Then at times you will hear children saying that they hate their mother because she abandoned them when they were young, how their father and stepmother made them suffer, this also scares me! These stories scare me and also make me sit. I don’t want my children to hate me. I don’t want to have a bad name.” (IDI 2)

“You can never have peace in your heart when you know that you left your children behind. There is nothing you will eat, and it settles in your body. You will feel empty. It will be so hard on you when you keep hearing stories about how your children are managing yet you can no longer come back, you left and are gone! That issue concerning your children will not allow you to have peace in your heart. Some people even suffer from pressure because of their children. You can even die soon. You will not be in a good situation or state knowing that you left your kids there and they are suffering.” (IDI 3)

Children are the major factor that is keeping women in abusive marriages, just like the two examples shared above. The examples show the moral burden attached to divorcing when these women already have children with the abusive men. Even if they might want to quit, they may finally decide not to because they are afraid of what might happen to their children. In many African countries, and particularly Uganda, there is no shared parenting after divorce or separation. The children are given either to the woman (if they are five years or younger) or to the man depending on the arguments put forth during the process. If they are given to one, chances are that they will never have to interact with the other parent ever again, or maybe on very few occasions, but the fact is that the other person loses the parenting rights and duties. When growing up, there might be two scenarios. One is for a parent who takes good care of the children and make sure they grow well and healthy. The children will love and cherish him, but they will resent the mother for not having stayed and instead chose to run away and abandon them while they could have enjoyed what they believe could be a happy life together. On the other hand, there are men who treat the children very bad and lead them to believe that the other parent (in this case, mother) was the bad character in

the story whether it is true or false. Thus, the children might end up hating or blaming the other parent for all the miseries they have experienced in the worst case. Every single one of the interviewees (100 per cent) shared that they fear getting divorced because of the threat of losing their children, and thus they feel they must be strong and endure for the sake of their own and their children's wellbeing. Therefore, the fear of potentially losing their children makes some women decide not to file for divorce but instead stay in their unhappy marriages.

#### **4.4 Religion and cultural bindings**

Religion and cultural bindings are another factor that discourage separation. Culturally, it is believed that when a woman gets married, she no longer has space in her parents' home and thus can never go back. In addition, those who get married in church are not granted divorce because the bible states that "What God has put together, let no man put asunder". It is in only very extreme circumstances that divorce is granted, for example risks of death or murder.

The women that we interviewed had had church marriages, Islamic marriages and/or customary marriages. With regards to community support, most of the women reported that they majorly go to their friends and/or family members for support and encouragement, some go to church leaders while some go to their local leaders within their communities. However, some of the women reported that most of the people they go to mainly encourage them to reconcile with their husbands regardless of the situation. Also, they shared that there are some organisations for example FIDA which reach out to communities and offer support in terms of counselling, and they have helped some women get support from their husbands who had previously abandoned their responsibilities. However, there are also those who reported that they did not know where to go and seek for help and support and some who said even when they report, no action is taken.

These findings are similar to those in literature. Meftah & Abdollahi (2018) state that most of the Christian marriages are meant to be lifelong commitments and permanent, particularly the catholic church for example. However, on the contrary, Tsuma & Atony (2019) state that according to church law, Catholics can divorce but not remarry. Also, Khen & Abd Hakam (2019) state that Christian groups including the Eastern Orthodox Church and many Protestant churches permit divorce and remarriage even with a surviving former spouse in specific situations. The Quran also states that marriage should be eternal but if there is no marital peace, divorce can be granted (Mgamis, 2020). Some interviewees shared their accounts of this as in the examples that follow.

"Islam teaches so much about respecting a parent. They teach not to undermine parents and that "Jana" (after life in heaven) is all under parents' feet. Thus, when a girl goes into marriage, the situation changes and the "Jana" is under the feet of her husband and since in life we work for a good Jana, she will not say anything to the man. "Let me ignore everything and work for heaven" she will say while going through suffering". She adds that Islam teaches that Allah hates a woman who spills their home secrets, so women just keep quiet even when tortured (IDI 2).

“People that are married in the Catholic Church can’t get divorced because the church doesn’t give divorce for whatever reason! The Catholic Church has its own court at Kampala Archdiocese. They will invite you here and look at your issues. If they find out that indeed it is true you have ever been married, they will simply annul the wedding. They will simply announce that that wedding or marriage has never happened. This is not divorce, they just announce that their marriage has never happened” (IDI 7).

The above two extracts from interviews from the respondents show how religious beliefs impose a huge burden for women who might wish to file for divorce. In the first example, the Islamic religion relies on the principle that respecting and following your husband is the only way to heaven or to having a better after life. And since all religions preach for this better after life, the women grow up working and wishing to get there, and they want to do everything to make sure they get there. This plays out bad when unfortunately, they marry to an abusive man. They may be victims of this unbearable abuse but since they have been taught that their husband is now their key to heaven, they accept to close their eyes and stay in these unhappy marriages for the only reason of hoping for the man’s blessing and thus, a better after life. The second view is from the catholic religion. This, on the other hand, shows how the religion directly intervenes and discourages divorce at all costs. In this, the woman might no longer take and finally decide to leave the abusive man, but the catholic church does not grant the request on the sole grounds that the bible says no divorce is allowed. Therefore, since the woman is already a believer, she is finally left with no other choice but to renounce and stay with the man in the unhappy marriage.

In other religions such as Hinduism, divorce has as well been forbidden as the women were always considered inferior compared to men. The religion considered women to belong to men and thus, once married, there was no way out for these women no matter how abusive and unsafe their marriage is. In recent years, the religion adopted some changes and allowed divorces, but still the woman has to present a morally valid reason for the divorce, otherwise her request is not granted. This also makes divorce in Hinduism religion-based women harder and harder to obtain.

#### **4.5 Will Boys be Boys?**

Generally, in most African cultures, there are double standards for men and women when it comes to sexuality and morality. This is also reflected in the cultural standards where men are regarded and treated as kings and are meant to be superior to the women. Some of the interviewees shared that even when they are getting married, they are told that their husbands are always right and that they must fully submit to them. This makes them unable to leave abusive marriages because they know that they will be blamed even when they are not in the wrong.

According to Obbo (2018) and Amadiume (2006), marriage has traditionally been rooted in patriarchy and it encourages male supremacy and authority over women. Men are regarded as "the provider functioning in the public domain," while women are seen as "the carers functioning within the domestic domain" (Weadock, 2004). Traditionally, men fulfil

dominant gender expectations and women fulfil their traditional gender roles (Tichenor, 2011). Examples as shared by the interviewees are as follows:

“A man also expects a woman to produce for him children, he knows he has a right to have children in this marriage and he always taunts a woman if she fails to conceive. The men expect women to give them children and they think it is the women who have to make it possible to bear children. the women also have a right to be taken care of by the man. Once they are married and some keep on saying that it is their right to have children from their wives and if it fails, they will rather file for divorce and get another woman who will be able to produce” (AB, Nurse, Buganda, recorded interview, 24 August 2022, Kampala).

“When I, as a woman, ask for divorce, people will say I have no brains and don’t understand very well but when it is the man asking for it, they will pity me and say I have tried my best to keep strong and in my marriage. People will say that it is the woman that has a problem. There is a certain radio presenter that I am always listening to, she hosts a program concerning such issues but in most cases, people are not in favor of women divorcing. As a woman you have to simply keep quiet and let the man ask for the divorce but not you” (IDI 1).

These two extracts show the other side of the moral burden faced by women in their marriages. The first extract shows the cultural responsibilities and roles attributed to the genders in the societies in the developing countries, especially in Uganda. The man is considered and regarded as the chief of the family, and that everything has to revolve around them. Once he marries a woman, the society considers him to be both physically and psychologically capable of everything, including the ability to produce children. Thus, all eyes and attention are directed towards the woman to give birth after getting married. If they fail to have children, the blame is put on the woman suggesting that she might be sterile or not at all able to conceive. On the other hand, no one even has the guts to question the man’s ability to produce children. If the case happens, the society thinks that it reasonable for the man to file for divorce, but illogical for the woman to ask for the same. Thus, women might be afraid of the potential social blame and decide to stay in the marriages which they are not happy of. The second extract shows, on the other hand, the gender perception of the society in regard to the divorce. The society will always find it logic and acceptable for the man to file for divorce or simply quit on the woman, but when the woman does the same it is a tragedy. Why? This is due to the way the society in the developing countries, again particularly Uganda, has always regarded and treated woman as if they belong to the husband. The context of “ownership” and not “union” during the marriage is the source of all the controversy. It is perceived as if the man is getting rid of a personal belonging he does not want anymore, but not vice versa.

#### **4.6 Stigma Remains**

Divorce is associated with so much stigma especially for the women. According to all the interviewees, the divorced woman is considered a failure, mocked, disrespected and one who has no dignity. Many divorced women are mocked and called several terms and humiliated, to a point that they are not even allowed to hold certain positions of power or even speak in

public. The fear of being called such names and mocked discourages the women from divorce. The divorced interviewees who got married again shared that despite being unhappy even in their second and current marriages, they will never consider divorce again because of the stigma and the trauma they went through after their first divorce.

According to UBOS (2018: 20 – 21), 57.4% of women in Uganda remain in violent relationships because "Divorce separation is disgraceful." The punishment for divorce is stigmatization associated with divorce, particularly against women (Lazarus et al., 2017). Divorced women face prejudice which affects their cognitive function (Fuchs, 1989; Konstam et al., 2016) and divorce processes are criticized and stigmatized against women (Sharma, 2011). Some examples from interviewees follow here:

“Another issue with the social well-being of women is to do with the disrespect in society where by people tend to disrespect a woman who has divorced and they no longer give her roles to do in the community because she is termed as being irresponsible and a prostitute since you don’t have a man of your own and that is how society defines you because I have a friend who divorced with her man and they have three children together and they both have their money but she went into depression because she would hear people calling her a prostitute because she divorced and this affected her mentally” (AB, Nurse, Buganda, recorded interview, 24 August 2022, Kampala)

“When you divorce, that is when you will hear people talking about you, how you have been adulterous, how your man is a good man, but it is you that has a problem, not knowing what you have been going through in your marriage. It is only the iron sheets and doors that can know what you are going through” (IDI 2)

From the above extract, we do see how the women struggle with social acceptance after breaking up or divorcing the abusive men. The society always regards them as the unfaithful, disrespectful women who left their marriages, husband, and family, and will hardly give them reason or the benefit of the doubt. Sometimes it goes even to the extent that these women might be banished or cut loose from the society in a way that they are no longer considered real women or part of the society. The example in the first extract tells that when women divorce, they risk never having the opportunities to be confided with any other role in the society because they consider that she even failed her main role as a woman. Again, some will dehumanize the woman and even start calling her names such as a prostitute or so because she left her husband and now, she no longer has a man of herself. The second extract goes on to add that no matter how much the woman tries to keep things in control, when the moment comes and divorce is the only way to go, still the society gives reason to the man, whatever evil he might have done. They will always find a reason to tell how good and polite the husband is, but truth is that the concerned woman is the one who knows really who and how is her husband.

“I will lose respect! People will start pointing fingers at me and call me a failure in marriage. They will start back biting me how I left my husband’s home to go and rental house. I will not be free even to sit with another man have a bottle of water. They will speak all sorts of words about me even when they see me with fellow women.” (IDI 4)

“For every woman, her respect is her home! Don’t look at these days where people don’t know what a marriage is but from long ago till now, a woman’s pride and respect is her being with a home. Even if she goes and makes all the money but has no husband, people that see her will not see her as a person. She will have no dignity. They will undermine her.” (IDI 7)

“The woman may fear to be called a prostitute. In most cases you may be living in a hard situation with your man but when you divorce, people will call you a prostitute. They will not look at the mistakes of the man but concentrate on the fact that you have divorced him.” (IDI 9)

Women, after divorce, face many challenges. Respect and dignity is among the first and most important. No matter how the woman might try to cope with the pressure that arises, the society will always find ways to bring her back down by attacking her indirectly through the so-called social standards. By default, marrying means starting a life together, moving into a house and living all your shared life together. Now, after separation the women are often regarded as failures because they left their houses, they left their husbands, and they might be living alone. This is opposed to the society standards which presume that women must be with men. The idea of living on one’s own, especially for a woman, falls very bad in the eyes of the society. That is when the attributes of prostitution or misbehaviour arises, and women lose their dignity and respect.

#### **4.7 Status and Divorce**

Divorce happens regardless of the economic and financial status of the individuals involved. However, most of the interviewees shared that the low status women are less likely to divorce when compared with the high-status women, mainly because of their low-income status which makes them unable to take care of themselves after divorce. Most low status women do not have jobs and most of those who do have very informal jobs and usually depend on their husbands. Again, some examples of this can be presented.

“Some are similar but however there’s a difference between the high status and low status women. Challenges in marriages differ and everyone has her ways of handling the given challenges. For example, a woman of high class can easily divorce they have their own battles, they are informed, and they know how to fight not like us. Like if she finds out that her husband is cheating on her with another woman, she will file for divorce or even file a case against the cheating husband. Which is not the case for the low status women, because they are used to the cheating of the husband. These things are done to them more often and they are used to them. A woman of low status can adhere with that because she has gone through a lot already because at times, she has nowhere to go...Another difference is that women of high status can fear to divorce because they fear to lose respect both in the society and in their families. Because they have a lot to protect like the legacy and being married comes with a lot of respect, so they fear to lose that whereas the low status women don’t care the respect because they have nothing to protect” (IDI 12).

The above extract shows the socio-economic hardship of getting divorce for different women. It shows that the decision to file for divorce does not depend on the moral consent or the abuse that these women get. It also depends on whether or not these women will be



able to sustain their living standards upon divorce. The women who are somewhat financially stable can decide to file for divorce because at least they are sure that they will not suffer later, and they have all the means to help them survive afterwards. However, those who are financially unstable, or as termed, “low status” ends up renouncing their wish because they are afraid that their living conditions will worsen as soon as they get divorced. This results in those women stay in the unhappy marriages with their abusive husbands not because they want to, but because they do not see the future without the husband.

“Some women don’t have where to start from once they divorce because in most cases they depend on their men for survival. So, they fear to divorce because they are financially unstable and they can’t take care of themselves like in terms of paying the bills for example rent, food, treatment and others. Many divorced women even decide to stay in those marriages because they don’t have money to take care of themselves” (IDI 11)

The above extract strengthens and supports again the previous one. Most of the interviewees have petty jobs but some others do not work due to many factors. For some, their husbands do not want them to work. For the others, their husbands abandon them when it comes to house activities and they simply can’t manage both those house activities and outside jobs, so they are left with no other choice but to focus on their house and not look for any outside job. This affects them in a way that it leaves them completely dependent on their husbands and would not afford any bills later if they left, including paying for their basic needs. However, despite having the income to sustain themselves even if they chose to divorce, high status women are also afraid of divorce because of the non-financial effects that it comes with including the fear of leaving their children behind, the stigma including loss of dignity and respect, among others. According to UBOS (2018: 20 – 21), 56.2% of women in Uganda stay in unhappy marriages because they are financially dependent on their husbands.

#### **4.8 Staying in unhappy marriages**

Respondents were asked to share some of their troubling marriage experiences, including those which got them to a point of considering divorce and some examples are shared below.

“People see me and admire me because I have a husband and think I never lack. Even when I at times try to share with my friends, they think I am telling lies, yet they don’t know that sometimes we spend some nights without soap in the house. There are times when my children spend about 3 days without taking sugar. It can even take a year without them eating meat, but they endure. The situation becomes worse with us who gave birth to girls, they always need pads and other necessities that we can’t afford. A child can make such a request when you don’t even have 1,000 Uganda Shillings and this will shrink your heart. If you try to speak to their father, he will just push you away and say, “that is up to you and your children”. Nobody will know what is in inside your house. At times we are chatting as women, and someone will tell you how they smear themselves with cooking oil for lack of body Vaseline.” (IDI 3)

“My husband will drink his alcohol daily and spend a number of days when he is not bathing. When I tell him to bathe, he doesn’t like it and this is the disrespect I show him (according to

him). I at times tell him to drink from home but he refuses. He wants to go to his friends without showering, this embarrasses me as his wife but doesn't get embarrassed" (IDI 5)

The above extracts show how sometimes women live in the abusive relationships and their husbands are very irresponsible, but still, they cannot do anything about it. The first case tells of the man who does not take good care of his family not because he does not have the means, but because he simply does not want to or does not care at all. Things become worse when it comes to ensuring basic home needs and the woman can no longer afford to, but whenever she talks to her friends and family, they do not believe her because they do not know what is going on under the roof, or just because the husband displays a completely different and fake image to the outsiders. The second case tells of the man who does not care about himself at all. In Uganda, it is common in rural areas to see some men who do nothing but get drunk regularly. Such men, when they come home, they do not want to hear anything from their women, or they do not even want to communicate at all. When it reaches a certain level and the woman tries to talk to him to make him change his behavior, the man thinks that the woman is confronting him and is showing no respect towards him at all. So, the woman, to avoid any potential conflict that may arise from that, may decide to keep quiet and do nothing about it, which leads to her staying in the situation that she is totally unhappy about.

"This is a situation that really dampened my heart. It is hard to say but I will say it. My husband got HIV positive without my knowledge and kept it a secret for 2 years. He would fall sick often but still refused to say it. I would take care of him, but I got concerned when he wasn't getting well. 2 years later, I found his medical card because of the power of prayer, I think, read a few things off the card using the little knowledge I have and went to the health facility which confirmed his status though I was found negative. I used some tricks, and we went to the health facility together and we got counselling and reconciled" (IDI 3)

"My husband took me to the village and kind of dumped me there. This was a very far away village that even the foot path to my father in laws' home was bad. I had never been in such a situation all my life. The man stayed back in town and married another woman! I had left him with two children and went with one. The child fell sick and the distance to the health facility was so far and I had no one to help me. I had to ferry the child every day for treatment. I felt so bad that I was forced to go to my auntie who was staying in town. The child spent the whole night crying and my auntie asked why I wasn't taking the child back to its father, but I feared to tell her that he had a new woman since he had already done the traditional marriage. When the child got better, I decided to go back to the village but once I was there, it took him up to a month without showing up. This is when I decided to separate with the man. However, my father chased me as soon as he saw me home and said my reason wasn't strong enough, but my mother pleaded with him and I stayed for 6 months, which were some of the hardest months of my life and then I went back to my marital home" (IDI 6)

Truth is another important issue in the families. Among the unhappy married couples, lack of truth is one of the factors that lead to all the problems. In the extracts above we hear of the women which were kept away from the truth about very important situations. The first case is of the unfaithful man who cheated on her wife and got HIV, and then she didn't tell the woman in two years while they were still together. You can imagine the pain that the

woman endured when she found out that her husband has been living with HIV for two years but never mentioned it to her. The second case tells of the woman who was dumped and abandoned by her husband without even discussing it with her or offering a place to stay. The woman, together with her child, ended up wandering from house to house as they had been made homeless by the husband, who even had the guts to bring in a new woman while the first one was still legally his wife. Such extreme scenarios are very annoying and are very discouraging to hear as well. Thus, some women will prefer to stay in their unhappy and abusive marriages rather than confronting their husbands because they are afraid of what might happen to them later.

However, despite having gone through such almost extreme situations, none divorced. They all eventually decided to stay in their marriage because of different reasons, as shared in some sections above. This was a very interesting findings and it indicates how resilient and determined the women are to fight for their marriages and children, with them being the sacrificial lambs.

#### **4.9 Coping with Marriage, Coping with Divorce**

All the interviewees shared that they face several challenges in their marriages, some of which have even pushed them to a point of almost divorcing, as shared in the section above. However, they have adopted different coping mechanisms and decided to stay in their marriages and endure the suffering because of reasons like their children and inability to refund bride price, among others as indicated above. The following are some examples of this from interviewees.

“The way I cope up with abuse in my marriage is keeping quiet because when he decides to start to quarrel and argue about certain things and I try to reply to him, we shall definitely end up fighting so that’s why I decide to be silent in most issues because I don’t want to regret my actions later. I remember my mother used to tell me that when I find any challenge in my marriage that urges me to talk back to my husband, I should instead put water in my mouth that can avoid me from talking as a way of controlling myself” (IDI 12).

“I have gone through a lot of things but what has been helping is knowing God. He is the one that saves me otherwise I wouldn’t be around. Whenever I have something burdening me, I go kneel down and ask my God to give me strength because I have gone through a lot” (IDI 1)

Above we see how women try to cope with violent or abusive situations in their marriages. A common finding is that almost all those women prefer to stay calm and quiet when their husbands attack them, instead of defending their rights. This common behavior results from the ancient moral conduct transmitted through generations and generations which states that men are the righteous persons in the family and contesting them is evil for women. Again, it may be simply due to the fact that women fear that the arguing might end up in a physical violence and the man would attack and beat them up if they confront him. So, the women decide to keep quiet to bring back peace in the family.

“At times my neighbor even comes to my door and asks me why I am not cooking. I share with her, and she is even the one that gives me food for the children sometimes when I am stuck.” (IDI 1)

“There are very many challenges in marriage and patience is all that is required. You have to “pretend to be stupid”. For me I keep quiet and only bring up that issue when my partner is calm and ask him when he is can listen. Act dumb. If a man is hiding an extra relationship, don’t ask him about it even if you know it and have all the proof. He will instead hurt you the more. Act like you don’t know anything because you have nothing to do about it.” (IDI 6)

On the positive side, sometimes there is great compassion between women who have been subject to domestic violence or abuse. The lucky ones get to meet and talk to other women about the situation. The other women can even extend their support, listen to her, share their opinions, or even offer advice on how to approach the situation. This is very comforting for these abused women because they know that at least someone understands and feels their situation, not just because they hear, but maybe because they have been also through the same and they managed to overcome it. Hearing from other women also helps in a way that those abused women feel that they are not in that alone and that maybe they can work out a solution together, which is the moral support that they initially lack from their husbands.

“Many women are not okay but are just made stronger by fellow women with whom they sit and share their problems, laugh a bit and wait for nighttime when marriage trouble happens again. So, if the next day you share with another and hear the number of problems she has like no food and other necessities, you calm down and go back to your home and sit.” (IDI 2)

“We are always sharing our issues as low status women but at the end of the day a woman will realize that she is not the only one going through that situation and will be encouraged to stay. At times she will find out that other women are having bigger problems compared to hers and she will go back and keep in her marriage. Hers will be less compared to the other fellow women. It is like going to the health facility with a sick child, but you find there another with a child in a worse condition that forces you to forfeit your seat to her so that she is attended to first. So, the same thing applies to marriage.” (IDI 3)

The most common means of coping include keeping quiet and ignoring the tough situations, praying to God, seeking counsel, and sharing problems with friends and other people. According to empirical evidence, preventing a scenario from occurring and/or concealing one's identity are two of the most common coping mechanisms (Saeed et al., 2022).

#### **4.10 Conclusion**

According to the study findings, there are several reasons that keep women in abusive and unhappy marriages including fear of leaving their children behind, inability to refund bride price, having no income to start a new life, religious and cultural beliefs, among others. In addition, the major coping mechanisms used include enduring by keeping quiet and ignoring their unhappy marriages and praying to God. The respondents also shared about the stigma that comes with divorce where a woman is considered a failure, is disrespected, and mocked along with her family, among others. The low status women who do not have income or

even a starting point are usually more likely to stay in abusive marriages compared to high status women who can start their lives afresh.

In conclusion, we found that all women whom we interviewed have had very extreme situations where they considered divorce but all reported that they stayed regardless because of their children, with fear that if they divorced their children would not have anyone to take good care of them, fear of being hated by their children when they grow up, fear that their children would suffer and be tortured, among other reasons. Several women are trapped in unhappy marriages because of their inability to refund the bride price that was given to their parents or relatives when they were getting married, since that is what culture dictates. Religion and culture disagree with the concept of divorce except for extreme cases, which beliefs discouraged some of the women from divorce. The femininity and masculinity norms are also at play in that society does not condemn a man when he chooses to divorce his wife but when a woman does, she is considered a failure, disrespected, and mocked along with her family, which is an unfair construct. The woman loses dignity and almost everyone in the society looks at her as the one at fault to a point of being regarded as a prostitute. With regards to status, most of the low status women reported that the high-status women are less afraid of divorce because they have income to fend for themselves, unlike them who would not have a starting point if they left their homes. However, besides the financial reasons, the non-financial reasons that are discouraging women from divorce are the same for all statuses.

One important and interesting thing to note that cut across all the women interviewed though is their resilience. The fact that they shared very extreme situations which they had faced that got them to the point of considering divorce but did not due to reasons like the fear of stigma, their children, cultural and religious bindings, among other factors as discussed. However, it is unfortunate that the coping mechanisms that most of them use to deal with their unhappy marriages are not those that provide them with the therapy they actually need. Most of the women are dealing with their issues silently and painting a picture of perfection for the society, which is detrimental to mental health and wellbeing. Most of the women shared that they talk to their friends who are going through worse or similar situations which makes them feel better, but they need professional people to share such issues with so as to get help.

## Chapter 5 Recommendations

The study asked the research question “What do women in Uganda think about divorce and why do they prefer to remain in unhappy and abusive marriages instead of getting divorced?” In order to answer the question, twenty women were sampled in Kampala district located in central Uganda through interviews using a questionnaire. The sampled women were of different ages, marital status, religion, and tribe.

From the findings as discussed in chapter 4 above, there are several reasons why women stay in unhappy and/or abusive marriages and divorce is associated with stigma especially for the women. The coping strategies adopted by the women are insufficient since they are not solutions but temporary coping mechanisms. Most of the women have been convinced by their culture and religious beliefs that divorce is never an option.

This study therefore recommends sensitization and awareness campaigns. Most of the women do not know their rights with regards to divorce and some do not even know the procedure or where to report in case they are abused. There is great need to equip women with such information so that they know what to do when faced with challenges. In addition, communities need to be sensitized about the dangers of some of the cultural practices for example where they burn the beds of the girls when they are getting married to show them that they no longer have space in that home, which makes them have nowhere to go even when their marriages are abusive. People should be sensitized to stop stigmatization and disrespect of divorced individuals because it makes them unable to stand up for their rights, even when cases are extreme.

Given the different challenges that women are facing in their marriages and yet do not have anyone to share their problems with, there is need to create groups and/or organizations where such women can share their challenges and receive professional counselling and support which will be beneficial for their mental health, as well as that of their children.

The women need to be empowered so that they can become independent. This involves sensitizing their husbands to let them work and also providing capital for them for example through loans which they can use to startup businesses of their own and earn a living. This will enable them to gain more respect from their husbands and they will not remain stuck in abusive relationships because of being unable to take care of themselves.

Some of the areas recommended for further research include getting opinions of the high-status women who were hard to reach since they do not want people to know about their personal issues especially with regards to their marriages. Another area to consider is interviewing men to find out what their perceptions about divorce are and whether they would also be resilient like the women despite being unhappy in their marriages and for what reasons.

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