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**BARYAMUREEBA v KABAKONJO ABWOOLI: A WIN FOR WOMEN'S  
PROPERTY RIGHTS IN COHABITATION.**

Fatumah Ramathan-Nabulya

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**BARYAMUREEBA v KABAKONJO ABWOOLI: A WIN FOR WOMEN'S  
PROPERTY RIGHTS IN COHABITATION.**

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**ABSTRACT**

*Marriage, especially at its dissolution, tends to be contentious owing to its cross cutting effects on property rights, children custody, spousal maintenance among others. It is more complex when that “union” is not legally recognized. Over 65% of Uganda’s couples are left out under the law because their arrangements are not contracted in accordance with the laws provided for. This potentially subjects women to unequal social laws (patriarchy) usually with no legal remedies. Hence, marriage, due to its overarching effects, can be breeding ground for the entrenchment of gender inequality. This paper reviews a High Court decision through which judicial activism is employed to lessen the plight of cohabiting women. Due to the time they have been in operation, it is often difficult to see our matrimonial laws for what they really are; patriarchal and gender indiscriminate. There is need for Judges to be fully alive to the history of these laws and the debates that led to their passing, to correct the wrongs of history.*

**1.0 INTRODUCTION (THE SUIT)**

*“Love is the motive, but justice is the instrument”~Reinhold Niebuhr<sup>1</sup>*

In 2016, a disgruntled father and husband lodged a suit at the High Court in Kabale against his children and “wife”.<sup>2</sup> The Plaintiff, after several attempts to sell his land were rendered futile by his children and Partner, lodged a suit claiming that they had no locus standi to bar whatever transactions he wanted to carry out on the land. He alleged, among other things, that his partner of close to 35 years was not his wife but rather a mere “girlfriend” with whom they had seven children whose paternity he also contested. It was his contention

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\* Feminist and third year student of law at Makerere University

<sup>1</sup> Reinhold Niebuhr was an American Philosopher and Theologian

<sup>2</sup> Civil Suit No. 20 of 2013

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that since no customary marriage had been conducted as per Bakiga or Batooro customs that the parties belonged to, there was no subsisting legal marriage between them, as per the laws of Uganda.<sup>3</sup>

For a marriage to be recognized in Uganda, it has to be contracted under either of the following laws; The Marriage Act<sup>4</sup> which governs civil and Christian marriages, The Customary Marriages Act<sup>5</sup> which regulates marriages under traditional customary norms, The Marriage and Divorce of the Mohammedans Act<sup>6</sup> which deals with marriage and divorce under Muslim law and finally the Hindu Marriage and Divorce Act<sup>7</sup> which governs marriages celebrated under Hindu religious law.

Basing on the above therefore, the plaintiff argued that the first defendant was not a wife and thus the land in question was not matrimonial property since there existed no valid marriage to begin with.<sup>8</sup> Section 38A (4) of the Land Act (as amended) defines family land to mean that where the family derives its sustenance or where it lives.

At the centre of the suit therefore was whether there existed a subsisting marriage between the parties and consequently whether the suit property was matrimonial property. Given that the parties' arrangement did not fall within the laws listed above, there existed no valid marriage between the plaintiff and Defendant. However, in an unexpected twist, the Honourable Justice widened the scope of matrimonial property and the definition of spouse under the Land Act stating that;

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<sup>3</sup> Section 2 of the Succession Act defines a husband\ wife to mean a person validly married according to the Laws of Uganda.

<sup>4</sup> Cap. 251 of the Laws of Uganda

<sup>5</sup> Cap. 248 of the Laws of Uganda

<sup>6</sup> Cap. 250

<sup>7</sup> Cap. 250

<sup>8</sup> In Micheal Mulyanti v Batalingaya(2009) UGHC 99, where the issue was whether one of the plaintiffs was a spouse to the deceased, court held that mere cohabitation did not amount to marriage for "marriage is a creation of law and not a question of sentiment."

*“Section 38A (1-3) of the Land Act provides for security of occupancy on family land. The broader import of this Section is to give security to spouses. In this instant case, although the court has not found sufficient proof of marriage, this entire section must be interpreted broadly to include even those that are not married as per the laws governing marriages in Uganda... The plaintiff and first Defendant lived together for over 35 years, bore children and derived sustenance from the land. I find that the plaintiff and the defendant were CONSTRUCTIVELY MARRIED within the meaning of Section 38A. The intention of the Legislature was to avoid situations where one party to such unions would try to deprive another of their rights to property through claims that they are not legally married. As such, in this situation the court will avoid a strict interpretation of the section or of the definition of the word spouse to prevent absurdities.”<sup>9</sup>*

The Judge went further and recognized the defendant’s contribution to the family’s development and evidence was adduced to that effect that she often paid School fees and other amenities at home. He stated that;

*“In her evidence, the first defendant mentioned that on several occasions, when the plaintiff was out of work, she would till the land to pay school fees for the children and provide a livelihood for the family.”*

Therefore, the plaintiff could not sell the suit land since it belonged to both parties. This was in line with the Supreme Court’s judgment in *Julius Rwabinumi v Hope Bahimbisomwe*<sup>10</sup> that recognized domestic work as equal contribution to the development of the home.

Although some previous cases had tried to secure the interests of cohabiting couples, none had gone as far as holding that the parties had been constructively married. For example, in *Hajji Musa Kigongo V Olive Kigongo*,<sup>11</sup>

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<sup>9</sup> Pages 27-28 of the judgment  
<sup>10</sup> (2009) UGSC 8  
<sup>11</sup> Civil Suit No. 295 of 2015

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the judge relied on the rules of Equity and promissory estoppel to hold that although the parties who had lived together for 26 years were not legally married, the plaintiff was estopped from evicting the defendant because at the start of their relationship, he had intended that the home be occupied by the both of them.

This paper focuses on Justice Adonyo's decision which gives rise to various legal questions such as; does this decision apply only to instances where family land or property is in question? Have cohabiting couples finally been recognized as spouses in law and hence deserving of spousal rights? How far therefore can Judges go in setting new trends in the legal arena?

**2.1 STATE OF THE INSTITUTION OF MARRIAGE IN UGANDA  
(COHABITATION VERSUS LAWFULLY WEDDED SPOUSES)**

*“Why one man rather than another? It was odd. You find yourself involved with a fellow for life just because he was the one you met when you were nineteen.” ~Simone De Beauvoir<sup>12</sup>*

The Late French feminist Simone de Beauvoir questions the modern European Judeo-Christian concept of marriage which takes a strict monogamous model and must go through a validation process in order for the arrangement to be recognized by the state.

Cohabitation is often referred to as a living arrangement in which a couple lives together in a long term relationship that resembles marriage but without going through the legal formalities of a valid marriage.<sup>13</sup> The Ugandan society is one rooted in traditional and religious beliefs hence institutions such as marriage are expected to conform to the same. Unfortunately for many young people

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<sup>12</sup> Simone de Beauvoir was a French feminist and theorist

<sup>13</sup> Nampeewo,Z; Atim P'Odong; Musoke,H; Kange,V. “Uganda” In International Encyclopedia of Laws: Family and Succession Law, Edited by Walfer Pintens 2020

seeking to start families, the cost of having a wedding is relatively high and hence many opt for the common man's 'marriage' that is, cohabitation. Statistics in Uganda show that over 64% of Ugandan couples exist under cohabitation frameworks.<sup>14</sup> However, the arrangement is still frowned upon by many religious leaders despite its glaring advantages.<sup>15</sup> Due to the strong grip religious institutions have on the Parliament, Legislators are hesitant to pass laws that may be referred to as "unreligious" hence leaving cohabiting couples with almost no remedy.

The Marriage Bill of 2017 stems from the 1964 Kalema Report which provided progressive reforms on the laws governing marriage in Uganda. In 2003, the Domestic Relations Bill was tabled but was quickly shelved after Muslim clerics out rightly rejected it for nonconformity with the Muslim Sharia laws.<sup>16</sup> Another Marriage and Divorce Bill was tabled but this also attracted anger from Christian Clerics who found it abominable that marriage and divorce were in the same sentence. They argued that it implied that people married to divorce. Other contentious issues were those regarding legal recognition of cohabiting spouses which the religious leaders viewed as "sinful."<sup>17</sup> A new Bill<sup>18</sup> was formulated by the Uganda Law Commission but in a bid to appease right wing clerics and Parliamentarians, the provisions regarding cohabitation have been scrapped off, making the recognition of cohabitation under the law a tiring and never ending journey.

## 2.2 COHABITATION FROM THE GENDER EQUALITY PERSPECTIVE

<sup>14</sup> UBOS, Uganda National Population and Household Consensus Report 2014 (2016), p.16

<sup>15</sup> Henry Lubega, "Cohabiting Makes Stable Marriages, says Clergymen," The Observer, 6 May 2009, available at <https://www.observer.ug/viewpoint/interview/34news/news/3267-cohabiting-makes-stable-marriages-clergy-men-admit> [accessed 12 May 2021]

<sup>16</sup> Nassali Maria, *The Politics of Putting Asunder*, Fountain Publishers

<sup>17</sup> Flavia Nassaka, "*Kadaga's Dilemma on new Marriage Bill*", The Independent, 31 July 2017, available at <https://www.independent.co.ug/analysis-kadagas-dilemma-new-marriage-bill/> [accessed 12 May 2021]

<sup>18</sup> The Marriage Bill of 2017

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It would be a grave injustice if one discussed marriage and rights accruing there from without delving deep into the complex gender, legal and socioeconomic layers that make up the establishment baptized as marriage. The 1995 Constitution provides for the principle of non-discrimination on the basis of sex or gender<sup>19</sup> and equality of spouses at, during and at dissolution of marriage.<sup>20</sup> The above provisions are couched in explicit and mandatory terms. This is an indication that the framers were alive to the impact marriage has on women and thus could not detach their rights, freedoms or oppression from the institution. However, what is left unanswered is why the framers decided to turn a blind eye towards the many women and men who existed in arrangements that were not legally recognized as marriages!

While pondering on the above question, one should have in mind that the society within which the laws operate is a patriarchal society which in turn creates patriarchal homes, families and marriages. The husband is the de facto "head" of the family to whom submission from the wife and children is expected.<sup>21</sup> Being a Patriarchal and Capitalist arrangement, value is often attached to the man's (husband) contribution in the home and often forgetting that of the wife.<sup>22</sup>

Statistically, women spend over 30 hours doing unpaid labour each week, compared to 12 hours done by men. Also, men tended to engage more in paid employment (35%) compared to women (15%).<sup>23</sup> The above imply that where men engage mostly in work outside the home, many women operate within the home. The courts of Uganda have tried to recognize and value domestic work

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<sup>19</sup> Article 21(2) of the 1995 Constitution of Uganda

<sup>20</sup> Article 31(1)(b) of the 1995 Constitution of Uganda

<sup>21</sup> Tamale. S, Decolonization and Afro Feminism, Chapter 8, pg.285-286,  
Daraja Press

<sup>22</sup> ibid

<sup>23</sup> UBOS, Men and Women in Uganda. Facts and Figures (2016)

and women's contribution in a home.<sup>24</sup> However in that case, it was between parties that had contracted a valid marriage and were not cohabiting.<sup>25</sup> Therefore, the Honourable Justice Adonyo in *Baryamureeba V Kabakonjo* extends this judicial activism even to those in arrangements that are not legally recognized.

### **3.0 MARRIAGE VIS-A-VIS WOMEN'S PROPERTY RIGHTS.**

*"Maybe we weren't at the Last Supper, but we are certainly going to be at the next one."* ~Bella Azbug<sup>26</sup>

Professor Tamale states that a de-contextualized approach to the institution of marriage would fail to highlight the contribution of women's labour to the accumulation of family wealth and the impact of their domesticity on wealth accumulation.<sup>27</sup> Section 54 of the Registration of Titles Act provides for Indefeasibility of Title. That is; a Certificate of Title shall be conclusive evidence of ownership of land except where there is fraud involved.<sup>28</sup>

Due to historical imbalances and inheritance laws that provide for patrilineal inheritance, many women are left out and very few own property in their individual capacity. Only 19% of women between ages 40-44 owned houses in their personal capacity compared to 36% who owned jointly with spouses. Interestingly, 60% of the men within the same age bracket claimed to own property individually as compared to 20% who stated that they co-owned with their spouses.<sup>29</sup> The above statistics indicated that male partners do not recognize women's domestic contribution to the development of the home.

This problematic viewpoint is worsened by a strict interpretation of the laws where certain Judges do not seek the intention of the law, as Justice Adonyo in

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<sup>24</sup> Julius Rwabinumi v Hope Bahimbisomwe (civil Appeal-2009/10)[2013]UGSC5

<sup>25</sup> Ibid

<sup>26</sup> Bella Azbug was an American Lawyer, Congresswoman, Social Activist and Feminist

<sup>27</sup> Tamale, S (ibid)

<sup>28</sup> KDLB v National Housing (Civil Appeal No.2 of 2004 UGSC)

<sup>29</sup> UBOS, Uganda; Facts and Figures on Gender, December, 2013



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the case in discussion did, but rather apply surface interpretations of the law. In Michael *Mulyanti V Batalingaya and others*<sup>30</sup>, the plaintiffs were the children of the deceased together with their step-mother. They sought to evict the defendants off the land that they claimed belonged to their late father. At the hearing of the suit, one of the issues in contention was whether one of the plaintiffs had been legally married to the deceased and thus entitled to sue. The deceased had cohabited with the lady in question and had even de facto adopted her child as his. On the issue of marriage, the learned trial Judge held that the plaintiff could not have a claim in the estate because she had not been legally married to the deceased.

The above decision was blind to the fact that due to society's patriarchal norms, ownership of land tends to be passed down to male children or descendants while women enjoy secondary rights subject to the whims and feelings of the male registered owner.<sup>31</sup> In my opinion, the decision did not take into account the fact that most couples in Uganda exist in informal arrangements that may not amount to a valid marriage according to the existing laws and yet the 1995 Constitution of Uganda provides for equality of the sexes<sup>32</sup> and property rights under Article 26. Article 32 provides for affirmative action in favour of marginalized groups where marginalization is created by "history, tradition or custom..."<sup>33</sup>

My opinion is that it is only through a holistic interpretation of the Constitution as the Supreme Law of the Land that the courts can correct these historical imbalances using marriage as an avenue through which equality as regards to property is upheld. The judgment in *Baryamureeba V Kabakonjo* is a breath of fresh air because it recognizes the rights of Cohabiting women.

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<sup>30</sup> (2009) UGHC 99

<sup>31</sup> Aslihan Kes, Krsifa Jacobs, Sophie Namy, Gender Differences in Asset Rights in Central Uganda. International Center for Research on Women, 2011

<sup>32</sup> Article 21

<sup>33</sup> Article 32(1)

There have been a series of judgments through which Judges by way of judicial activism try to correct the wrongs and loopholes of our laws and society.

#### **4.1 JUDICIAL ACTIVISM AND ITS ROLE IN CHAMPIONING THE FIGHT FOR GENDER EQUALITY IN UGANDA.**

*“But it is the job of the revolution to shock, to provoke, and to upset, not to behave or to be polite. ~Mona Eltahawy<sup>34</sup>*

Black’s Law Dictionary defines Judicial Activism as a “philosophy of judicial decision making whereby Judges allow their personal views about public policy, among other factors, to guide their decisions.”<sup>35</sup> Judicial officers make use of judicial discretion under this phenomenon to try and effect change within their various societies. Ugandan courts have commendably used judicial activism to set precedents that have ensured that women and minority groups are accorded justice whenever they are before courts of law especially where the law is seemingly silent on an issue.

By way of example, in *Ntambala v Uganda*,<sup>36</sup> the appellant had been charged and convicted for the offence of aggravated defilement of his 14 year old daughter, contrary to Section 129(1) of the Penal Code Act. He was sentenced to 14 years imprisonment and appealed against both judgment and sentence claiming that the victim’s evidence had not been corroborated as required by law.<sup>37</sup> It was the victim’s evidence that the accused had been raping her for close to 2 years and had threatened to kill her if she ever reported him to anyone. The Justices of the Supreme Court relied on Section 133 of the Evidence Act which provides that no specific number of witnesses shall be required to prove a given fact and held that a conviction can be solely based on the testimony of the victim as a single witness, provided the court found her to

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<sup>34</sup> Eltahawy.M, *Headscarves and Hymens; Why The Middle East Needs a Sexual Revolution*.

<sup>35</sup> Bryan A. Garner (1999). *Black’s Law dictionary*, 8<sup>th</sup> Edition.

<sup>36</sup> (2018) UGSC 1

<sup>37</sup> *Chila V R* (1967) EA 722

be truthful. Justice Tibatemwa-Ekirikubinza discussed the origin of the rule requiring corroboration in sexual offences stating that,

*“The reason historically given for the need for corroboration of evidence in a sexual assault prosecution was that women are by nature peculiarly prone to malice and mendacity, and are particularly adept at concealing it...”*

Courts had been relying on R v Henry and Manning<sup>38</sup> (cited in the case) where the Lord Justice Salmon stated that,

*“In cases of alleged sexual offences it is really dangerous to convict on the evidence of the woman or the girl alone. This is dangerous because human experience has shown that in these cases girls and women do sometimes tell an entirely false story which is very easy to fabricate, but extremely difficult to refute. Such stories are fabricated for all sorts of reasons, and sometimes for no reason at all.”*

The above activism has been extended to family and matrimonial cases in a series of cases where the courts sought to protect the rights of cohabiting women as well as contributions made by women to the development of the home.

#### **4.2 JUDICIAL ACTIVISM IN FAMILY AND MATRIMONIAL CASES**

In *Julius Rwabinumi v Hope Bahimbisomwe*,<sup>39</sup> the appellant husband challenged the decision of the lower court awarding the respondent wife equal share in the property. He claimed that her monetary contribution could not be put at half and hence the Judge had erred in law and fact. In further cementing the lower courts' decisions, the Supreme Court held that;

*“Our Courts have established a principle which recognizes each spouse's contribution to acquisition of property and this contribution may be direct,*

<sup>38</sup> (1969) 53 Crim. App. Rep. 150 at 153

<sup>39</sup> (2013) UGSC 5

*where the contribution is monetary or indirect where a spouse offers domestic services. When distributing the property of a divorce couple, it is immaterial that one of the spouses was not as financially endowed as the other as this case clearly showed that while the appellant was the financial muscle behind all the wealth they acquired, the contribution of the respondent is no less important than that made by the appellant.”<sup>40</sup>*

The above case seeks to secure the interests of validly married spouses but is silent about what direction the law may take in case of cohabiting couples. The latter therefore did not have any property rights under the law despite that they may have contributed directly or indirectly towards the accumulation of family wealth.

However, in 2015 courts took the first step in trying to recognize the rights of cohabiting couples within the establishment. In *Hajji Moses Kigongo v Olive Zaitun Kigongo*<sup>41</sup>, the parties had lived together for 27 years before their relationship became ‘thorny’ making it hard to live together. The plaintiff vacated their home and applied to court seeking to evict the defendant. The plaintiff claimed that no valid marriage existed between them and hence she was not entitled to stay in the suit premises since it was not matrimonial property.

It was the defendant’s argument that she had met the plaintiff in the late 90’s and they had lived together for 27 years and bore children together. That she was planning on constructing her own house but the plaintiff discouraged her claiming that they could reside in the house he was constructing. That the defendant had supervised construction of the house and even contributed to part of it.

In deciding whether the defendant had an interest in the suit property, court held that the defendant had been referred to as “Mrs. Kigongo” for 27 years

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<sup>40</sup> Court relied on KAGGA V KAGGA (High Court Divorce Cause No. 11 of 2005) (unreported)

<sup>41</sup> Civil Suit No. 295 of 2015

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without objection from the plaintiff and that he had acted in a manner that made the public believe that the two were validly married. Despite the fact that all rites required for a valid Kuhingira ceremony had not been fulfilled and hence there existed no valid marriage between them, the plaintiff was estopped from evicting the defendant because he had acted in a manner that made the defendant believe that she was to stay there forever. The court went ahead and awarded each of the parties a 50% interest in the property.

The decision in *Baryamureeba v Kabakonjo* therefore cements the above decision and shows a progressive trend among Judges to recognize rights of cohabiting couples.

#### **4.3 IMPLICATIONS OF THE DECISION ON MUSLIM MARRIAGES.**

*When Westerners remain silent out of 'respect' for foreign cultures, they show support only for the most conservative elements of those cultures. Cultural relativism is as much as my enemy as the oppression I fight within my culture and faith.~ Mona Eltahawy<sup>42</sup>*

Marriage and Divorce of marriages contracted under Islamic marriage rites is governed by the Marriage and Divorce of the Mohammedans Act. Section 2 of the Act provides that “*All marriages between persons professing the Mohammedan religion, and all divorces from such marriages celebrated or given according to the rites and observances of the Mohammedan religion shall be valid under the Act.*”

Section 18 ousts remedies provided for under any other Act. Islamic Sharia law does not provide for explicit guidelines on how matrimonial property may be distributed for a woman is views as an “independent” entity from her husband.<sup>43</sup> However, married spouses enjoy certain rights that cohabiting

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<sup>42</sup> Eltahawy, M Headscarves and Hymens. Why the Middle East Needs a Sexual Revolution.

<sup>43</sup> Nassali, M, The Politics of Putting Asunder. Fountain Publishers

couples do not. In *Bibie Mauridi v Mohamed Ibrahim*,<sup>44</sup> the parties had contracted a valid Islamic marriage and on divorce, court recognized her domestic work as contribution to the development of the home. However, it was the husband who had issued the Talaq. One therefore wonders whether the same conclusion would have been reached had the wife initiated divorce.

The assumption that women are “independent” beings from the men is blind to the hetero-patriarchal society within which the laws and policies exist; a society where women are viewed as not equal to their male counterparts. It is therefore problematic for a law to assume equality where no such thing exists in actual sense. Although jointly acquired property may be distributed between the spouses, very few wives have the ability to monetarily contribute to the development of the home. To make matters worse, the Act does not provide for cohabiting couples. It is my assertion that due to Section 18 of the Act, it might be difficult to spread the gains of the decision in *Baryamureeba v Kabakonjo* into marriages contracted under Islamic law.

## **5.0 CONCLUSION**

The decision in *Baryamureeba v Kabakonjo Abwooli* is a much needed act of judicial activism in correcting the injustice that is brought about as a result of staying in cohabiting arrangements with almost zero remedy at the time of separation. The decision is alive to the context of marriage in Uganda which is to the effect that many Ugandans are cohabiting as illustrated earlier.

Indeed, only time will tell how far this decision will go. Whether it will be welcomed by fellow Justices, whether it will be applied beyond land matters and widened to cases regarding divorce. One also wonders whether the decision shall be applied to Muslim marriages, ignoring the outdated Marriage and Divorce of Mohammedans Act which, in the author’s opinion, is very necessary.

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(1989) TLR 16 HCTZ

### LIST OF REFERENCES

- 1) Amadiume Ife, "Male Daughters and Female Husbands", 1987, Palgrave Macmillan
- 2) Aslihan Kes, Krsifa Jacobs, Sophie Namy, "Gender Differences in Asset Rights in Central Uganda", International Centre for Research on Women (ICRW), 2011, available at <https://www.empowerwomen.org/en/resources/documents/2015/11/gender-land-and-asset-survey-uganda-gender-differences-in-asset-rights-in-central-uganda?lang=en> [accessed 12 May 2021]
- 3) Baryamureeba V Kabakonjo Abwooli Civil Suit No.20/2013
- 4) Bibie mauridi v Mohamed Ibrahim (1989) TLR 16 HCTZ
- 5) Chila v R (1967) EA 722
- 6) Eltahawy, Mona. Headscarves and Hymens; Why the Middle East Needs a Sexual Revolution, 2015
- 7) Flavia Nassaka, "*Kadaga's Dilemma on new Marriage Bill*", The Independent, 31 July 2017, available at <https://www.independent.co.ug/analysis-kadagas-dilemma-new-marriage-bill/> [accessed 12 May 2021]
- 8) Hajji Musa Kigongo v Olive Kigongo civil suit no.295 of 2015
- 9) Henry Lubega, "Cohabiting Makes Stable Marriages, says Clergymen," The Observer, 6 May 2009, available at <https://www.observer.ug/viewpoint/interview/34news/news/3267-cohabiting-makes-stable-marriages-clergy-men-admit> [accessed 12 May 2021]
- 10) Julius Rwabinumi v Hope Bahimbisomwe (2013) UGSC 5
- 11) Kagga v Kagga (High court Divorce Cause no.11 of 2005) unreported
- 12) KDLB v National Housing (civil Appeal no.2 of 2004 UGSC)
- 13) Micheal Mulyanti v Batalingaya(2009) UGHC 99
- 14) Nampeewo, Z. et.al, "Uganda" In International Encyclopedia of Laws;

- 15) Nassali Maria. *The Politics of Putting Asunder*. Fountain Publishers
- 16) *Ntambala v Uganda* (2018) UGSC 1
- 17) *R v Manning* (1969)53 Crim.App.Rep.150
- 18) Sylvia Tamale, “Decolonization and Afro-feminism”, 2020 Pambazuka Press
- 19) *The Marriage Bill of Uganda*, 2017
- 20) UBOS, *Uganda National Population and Household Consensus Report 2014* (2016)