



**URGENT ACTION INITIATIVES TO DEMYSTIFY
PUBLIC FICTIONS, FOSTER DISCUSSIONS AND
SUPPORT FOR THE ENACTMENT OF THE MARRIAGE
AND DIVORCE BILL**

Contents

BACKGROUND	3
INTRODUCTION	3
OBJECTIVE	4
ACTIVITIES	4
Strategizing meetings.....	4
Media Campaign	5
Radio	5
Social Media	5
Talk shows	5
Media Kit Production	6
Policy Brief production.....	6
Development of Frequently Asked Questions (FAQs)	6
CONCLUSION	7
APPENDIX:	7
1) Media Campaign Messages (Radio, E-Mail, Facebook and Twitter)	7
2) The Marriage Bill Coalition Members as Of 2011:	8
3) Articles published in the print media on the Marriage and Divorce Bill 2009.....	9
4) Frequently Asked Questions on the Marriage and Divorce Bill	12

BACKGROUND

The Domestic Relations Bill (DRB) now the Marriage and Divorce Bill has a relatively long history that dates back to 1953 during which period, the Government of Uganda, has been trying together with different stakeholders like the women's movement to enact a just family law. The need to develop a unifying and comprehensive law on domestic relations was based on principles of non-discrimination and gender equality. Uganda, as part of the International community is also a signatory to a number of regional and International Human rights instruments, which instruments charge state parties to enact fair, equitable and just domestic relations legal systems among other key equity issues.

Due to identified gaps and inconsistencies in the family laws relating to marriage and the family especially in relation to respect, equality, dignity etc, the Domestic Relations Coalition was formed in 1999, made up of more than 40 women and human rights organizations and institutions campaigning for a fair family law. The coalition acknowledges that most provisions in the bill are positive and forward looking in the quest for a stable family unit based on equal principles although others require amendment to conform to the constitutional standards.

However, despite the long advocacy to have the Bill passed into law; it has presented a challenge to feminist jurisprudence and advocacy in Uganda. The process is fraught with arguments against some contentious clauses that threaten to change the social order in most of our communities and also serious resistance from religious leaders, this seems to have contributed to the failure of its enactment by the 7 and 8th Parliament. UWONET together with the civil society marriage and divorce Bill coalition that it chairs have continued with advocacy for enactment of this Bill that is envisaged to correct some of the existent anomalies pertaining to marriage in Uganda today.

INTRODUCTION

While enactment of the Bill has not yet been attained, several achievements have been registered along the path. These achievements and continued formal and informal engagement with the 'powers' which partly explains the bounce back of the Bill on the Order Paper of Parliament early in the year 2013. UWONET was reliably informed that the Marriage and Divorce Bill was on the order paper of Parliament - second on the agenda after the Public Order Management Bill and was to be tabled before end of March 2013.

Following this point of information, UWONET as the Chair organization of the civil society Marriage and Divorce Bill coalition organized a quick strategizing meeting (on 18th February 2013) for the coalition members where a number of adhoc advocacy actions were proposed to increase visibility of the Bill among the public but also garner support amongst Parliamentarians. The urgent advocacy action initiatives focused on demystifying the

contentious clauses and fostering discussions towards passage of the Marriage and Divorce Bill.

OBJECTIVE

The key objective of the urgent action campaign was to increase visibility of the Bill among the public and garner support amongst Parliamentarians.

ACTIVITIES

It is important to note that more focus was put on Parliamentarians since the Bill was already with in Parliament. The Legal and Parliamentary Affairs Committee which is the committee responsible had its report ready for presentation on the floor and there was no intention to make further public hearings as these (public hearings) and several studies to substantially inform the position of the committee had extensively been conducted over the years.

Strategizing meetings

Meetings were used as strategizing measures and provided opportunities for lively and stimulating engagement for activists sharing interest for the enactment of the Marriage and Divorce Bill 2009. The meetings laid basis for urgent action strategizing, fundraising and implementation of key priority catalytic activities by the coalition members so as to achieve the goal.

No.	Date Held	Focus of Discussion
1.	9 th April 2013	a) Withdrawal of the Marriage and Divorce Bill 2009 by the NRM Caucus
2.	2 nd April 2013	a) Responses to the Marriage and Divorce Bill in the public b) Method in which the leaders particularly the MPs have handled the Bill c) 5 Million shillings given to MPs to consult their constituencies
3.	19 th March 2013	a) Two weeks of recess for the Members of Parliament to consult their constituencies on the Bill b) Consensus building and agreement on a position as activists on the bill c) Activities to be held during the two weeks of recess to garner support for the Bill among the MPs.
4.	18 th February 2013	a) Adhoc advocacy actions to increase visibility of the Bill among the public but also garner support amongst

		Parliamentarians.
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Media Campaign

The voices and perceptions about the Bill were the focus in the media, among the legislatures and the Executive. The information and discussions were not entirely facts. UWONET hence recognized the need for continuous engagement on radio and television to continue to demystify the myths and wrong perceptions about the Bill. A number of media activities to increase visibility of the Bill among the public, demystify the fictions, foster discussions and garner support amongst Parliamentarians were carried out.

Radio

No.	Radio Station	Dates of airing	Messages Aired
1.	Capital FM 91.3	12 th – 16 th March 2013	Marriage Bill on: a) Requirements for a valid Marriage b) Marriage Gifts c) Ownership of property widow inheritance d) Safer sex e) Duties of parents
2.	CBS FM 88.8	12 th – 18 th March 2013	
3.	KFM 93.3	7 th – 13 th March 2013	
4.	Radio One 90.0	8 th – 14 th March 2013	
5.	Simba FM 97.3	12 th – 18 th March 2013	

Social Media

In a bid to increase public awareness on the Marriage and Divorce Bill 2009, UWONET took advantage of social media tools such Email, Facebook, Twitter and YouTube to demystify the contentious clauses and foster discussions towards passage of the Marriage and Divorce Bill. Social media served as a relatively inexpensive platform for UWONET to share material demystifying myths around the Bill. The messages posted attracted attention from the online audience who further shared the posts with their social networks.

Talk shows

As a result of the increased public awareness on the Marriage and Divorce Bill, the coalition members were invited to various media houses to further demystify the myths around the Bill. These engagements included;

No.	Media House	Time	Date
1.	WBS Issues at Hand	10:00pm	19 th March 2013

2.	KFM	7:00pm	18 th March 2013
3.	Simba FM	9:00 am	13 th March 2013
4.	UBC TV	12:00-1:00	12 th March 2013
5.	NTV Minibuzz show	6:30 pm -7:00pm	12 th March 2013
6.	Star TV morning show	8:00 am - 9:00 am	
7.	KFM	7:00 pm	8 th April 2013
8.	Radio One	7:00 pm	8 th April 2013

Media Kit Production

In an attempt to foster discussion, increase understanding and appreciation of the Marriage and Divorce Bill among the media houses, a media kit was compiled and shared with various news reporters at the different media houses. The media kit titled ‘The Marriage and Divorce Bill: What is at stake?’ provided: the background to the Bill; the intention of the Bill; the existing legal regime on Marriage; the process of legislation; contentious clauses in the Bill; status of the Bill, frequently asked questions and answers; and comments on the Bill from surveyed Members of Parliament.

Policy Brief production

Does the Marriage Bill meet the Human Rights yardstick? - The purpose of this policy brief was to contribute to the on-going discussion for enactment of the Marriage Bill by the 9th Parliament of the Republic of Uganda. The aim was to influence the final legislative processes through focus on the human rights fundamentals with specific reference to those aspects of the Bill deemed to be contentious. Part 1 of the policy brief addressed the legal framework for enactment of this piece of legislation; highlighting key human rights instruments. Part 2 focused on issues deemed to be contentious in the Bill and the human rights arguments that underpin their inclusion. Part 3 assessed the implications of not enacting this Bill. Finally, part 4 provided policy recommendations for various stakeholders who will move the Bill forward as a legitimate instrument to correct ambiguities and inconsistencies with regard to existing provisions on marriage and divorce in Uganda.

Development of Frequently Asked Questions (FAQs)

In a quest to further increase understanding and appreciation for the Marriage and Divorce Bill, the coalition compiled and documented the Frequently Asked Questions (FAQs) Brief. The FAQs brief was informed by questions posed in newspaper articles and during media

(radio and television) talk shows. The FAQs Brief provided answers to the questions posed with reference to the content in the Marriage and Divorce Bill. The FAQs Brief was disseminated widely with the Members of Parliament, Coalition members and UWONET's online audience.

CONCLUSION

The Marriage and Divorce Bill is currently before Parliament and has gone through the first, second and third reading. Twenty three clauses have been discussed and passed. The Minister in Charge of the Bill requested the Speaker of Parliament for three more months for Public consultation. However, the Marriage and Divorce Bill, 2009 was demonized and brutally bashed by some respectable civic, religious and traditional leaders. Those who called for its demise were not willing to face the blunt reality that the institution of the family is under threat and needs to be legally protected by the State and religious institutions. The marriage and Divorce Bill is a step in the right direction - it seeks to give effect to the constitutional right of equality at, during and at dissolution of marriage. Objective XIX of the Constitution highlights that family is the natural and basic unit of society and is entitled to protection by the society and the state. Part of this protection is through the enactment of laws that recognize and enhance the rights, duties and responsibilities of husbands and wives while the When we protect the family, we protect society and by so doing, we protect our nation.

APPENDIX:

1) Media Campaign Messages (Radio, E-Mail, Facebook and Twitter)

Why the Marriage Bill Is Good For Uganda

1. The Marriage Bill is a consolidated law on domestic matters that upholds the institution of marriage; offers protection of married people; promotes fairness to achieve social justice. The Bill provides for requirements of a valid marriage in line with the Constitution. These include age and consent of parties intending to marry. This is a Government Bill, Urge your Member of Parliament to pass it.
2. The Marriage Bill is a consolidated law on domestic matters that upholds the institution of marriage; offers protection of married people; promotes fairness to achieve social justice. The Bill spells out the rights and responsibilities of married people. It provides for the duty of both parents to care for and bring up their children. This is a Government Bill, Urge your Member of Parliament to pass it.
3. The Marriage Bill is a consolidated law on domestic matters that upholds the institution of marriage; offers protection of married people; promotes fairness to

achieve social justice. The Bill provides for ownership of property - it defines matrimonial property owned in common and also allows married people to own property separately. This is a Government Bill, Urge your Member of Parliament to pass it.

4. The Marriage Bill is a consolidated law on domestic matters that upholds the institution of marriage; offers protection of married people; promotes fairness to achieve social justice. The Bill provides for conjugal rights of both parties. It recognises the consideration of sexual needs of each partner. However, forced sexual acts are unacceptable. This is a Government Bill, Urge your Member of Parliament to pass it.
5. The Marriage Bill is a consolidated law on domestic matters that upholds the institution of marriage; offers protection of married people; promotes fairness to achieve social justice. The Bill prohibits widow inheritance as a customary practice that undermines the dignity of women. This is a Government Bill, Urge your Member of Parliament to pass it.
6. The Marriage Bill is a consolidated law on domestic matters that upholds the institution of marriage; offers protection of married people; promotes fairness to achieve social justice. The Bill outlaws the demand of return of marriage gifts in case of breakdown of marriage and stipulates that payment of bride price will be optional. This is a Government Bill, Urge your Member of Parliament to pass it.

2) The Marriage Bill Coalition Members as Of 2011:

1. Uganda Women's Network (UWONET) *Chair of the Coalition*
2. Action Aid International- Uganda
3. Action for Development (ACFODE)
4. Akiika Embuga Women's Self Help Association
5. Akina Mama wa Afrika
6. Associates for Change
7. Association of Uganda Women Medical Doctors (AUWMD)
8. Association of Women Judges (AWJ)
9. Association of Women Lawyers in Uganda (FIDA – U)
10. Bukedi Development Foundation (BUDEF)
11. Bahai Faith
12. School of Women & Gender Studies
13. Development Network of Indigenous Voluntary Associations (DENIVA)
14. Disabled Women's Resource Network Organization (DWRNO)
15. East African Post-Beijing Sub Regional Support Initiative (EASSI)
16. Centre for Domestic Violence Prevention (CEDOVIP)
17. Community Development Rural Network (CDRN)

18. Foundation for Human Rights Initiative (FHRI)
19. Forum for Women in Democracy (FOWODE)
20. Hope After Rape
21. Human Rights Peace Center (HURIPEC)
22. Human Rights Network (HURINET)
23. Isis –Women’s International Cross Cultural Exchange (Isis WICCE)
24. LAW and Advocacy For Women In Uganda (LAW – U)
25. Ministry of Gender, Labour and Social Development
26. Mpigi Women’s Development Trust (MWODET)
27. MIFUMI Project
28. National Association of Disabled Persons of Uganda (NUDIPU)
29. National Association of Women’s Organizations in Uganda (NAWOU)
30. The Council for the Economic Empowerment of Women in Africa- Uganda (CEEWA)
31. Uganda National NGO Forum
32. Uganda Women Parliamentarian’s Association (UWOPA)
33. Uganda Change Agent
34. Uganda Law Society
35. Uganda Joint Christian Council (UJCC)
36. Uganda Land Alliance (ULA)
37. Uganda Law Reform Commission (ULRC)
38. Uganda Media Women’s Association (UMWA)
39. Uganda Women’s Finance Trust (UWFT)
40. Uganda Network on Law, Ethics and HIV/AIDS (UGANET)
41. VECO – U
42. Volunteer Efforts for Development Concerns (VEDCO)

3) Articles published in the print media on the Marriage and Divorce Bill 2009

- Marriage Bill Causes Uproar among MPs(New vision page 3 Friday March 1 2013)by John Odyek and Henry Ssekanjako
- Marriage, Divorce bill will boost families.(Friday March 1 New Vision, Page 16)
- Bishop condemns marriage bill(Daily Monitor Tuesday March 5,page 13)by Dan Wandera
- Female MPS Support law on rape in Marriage bill(Daily Monitor, Wednesday March 6th 2013, page 5
- What is the hullabaloo about the marriage bill(Wednesday March 6th 2013, Daily Monitor, page 16) by Robert Kalumba

- It will be difficult to enforce proposed ban on bride price (Monday March 4, 2013, page 11) by Barongo ba Kafuuzi Ateenyi.
- Debate on Marriage and Divorce Bill (Daily Monitor Monday, March 4th, 2013, page 16) by John K.Abimanyi.
- House begins debate on marriage and divorce bill (Daily Monitor February 28, 2013, page 5) by Yasiin Mugerwa and Sheila Naturinda.
- LC5 chief blasts MPs over marriage bill (6 New vision, Monday, March 11, 2013) by Patrick Okino.
- Whose interests does the divorce
- Tracing the roots of the Marriage and Divorce Bill(24,New vision Tuesday March 5,2013)
- Marriage, Divorce Bill is a family breaker(11,New vision,Tuesday,March 5,2013)by Moses Nuwagaba
- Otafiire wants Marriage Bill Passed (7, New vision, Monday,March 11,2013) by Caleb Bahikaho.
- Marriage Bill well Intentioned (15, New vision, Monday, March 11,2013) by Nalongo Annie Kabogoza-Musoke and Sarah Bagalaliwo.
- Marriage, Divorce Bill-(4,New vision,Monday,March 11,2013)by Carol Natukunda
- Pass Marriage Bill,Zziwa urges Parliament(5,News vision,Tuesday,March 5,2013) by Innocent Anguyo.
- Heated debate as MPs ban bride price refund(1,Daily Monitor,Friday,March 1,2013)
- Enact the Marriage and Divorce Bill 2009 into law(14,New vision,Thursday,March 7,2013) by Dora Byamukama.
- Divorce Bill a tricky one-Migereko (8 New vision, Thursday,March 7,2013) by Jackie Nambogga.
- Marriage Bill should have our input, says clerics(37 Sunday vision, March 10,2013)
- Consult church on marriage Bill-Bishop urges MPs(7 New vision,Thursday,March 7,2013) by John Semakula
- Women MPs want divorce clause in Bill(9,Daily Monitor,Friday,March 8,2013)by Sheila Naturinda and Mercy Nalugo.

- Residents divided over the marriage bill(14,Daily Monitor,Tuesday,March 12,2013) by Monitor Team.
- Women activists support the bill (6 Tuesday, Daily Monitor, March 12,2013) by Isaac Imaka.
- Men and women need each other (52, New vision, Monday 11,2013) by Dr.Drake Adupa.
- Museveni wants NRM caucus to discuss marriage Bill(3,Monitor,March 10,2013)by Monitor reporters.
- Man killed over Dowry(3,Daily Monitor, March 7,2013) by Frank Jean Okot
- Will cohabiting affect your chances of becoming wife? (9, Monitor, March 9,2013) by Christine Katende.
- Legalizing divorce undermines marriage(9,March 9,2013,Saturday monitor) by Arthur Matsiko
- Museveni wants NRM Caucus to discuss marriage Bill (3,Sunday Monitor, March 10,2013) by monitor reporters.
- Consult the church on Marriage Bill-Ntagali(6 Monday, March 11,2013) by Juliet Kigongo and Ephraim Kasozi
- MPs to clash as debate on marriage resumes(6,Monday,March 11,Monitor,2013)by Yasiin Mugerwa
- Bill to scrap punishment by death in the offing by Ephraim Kasozi
- Marital rape tricky to prove(15,New vision,Wednesday,March 13,2013) by Josepha Jabo
- Invest In Women(12 New vision,Friday,March 8,2013) by Paul Busharizi
- Etteka lyo bufumbo muliveeko(Bukedde,2013) by James Sserwadda
- Museveni okays Marriage and Divorce Bill(Saturday, March 16,2013) by Joyce Namutebi
- Parliament sent into recess over marriage Bill (Monitor)by Mercy Nalugo
- Marriage and Divorce Bill should be explained to all stakeholders(9,Saturday monitor,16 March 2013) by Josephine Jean Anying

- President supports marriage Bill(4,Saturday Monitor 16,2013) by Sheila Naturinda
- Marital rape: Is it a crime or (10, Saturday Monitor, March 16,2013) by Christine Wanjala
- Locals reject marriage Bill (Daily monitor, Tuesday March 19,2013) by Abubaker Kirunda.
- The family is the winner in the Marriage and Divorce Bill(12 New vision,Tuesday,March 19,2013)
- Wider consultation is needed before passing Marriage Bill(13 New vision, Tuesday March 19,2013)
- Minister warns on marriage Bill(8,New vision,Tuesday,March 19,2013) by Simon Nalule
- The Marriage and Divorce Bill debate(The Independent: Issue No.256 March 15-21,2013,page 16 and 17)Betty Amongi,Apac District woman MP vsRafael Magyezi,Igara West MP on Property division is not the best way to handle such sensitive matters
- Marriage Bill: We are tackling reality(Sunday monitor, March 17,2013,page 13) by Mercy Nalugo
- Church leaders petition Parliament on marriage Bill(5,New vision,Tuesday,March 19,2013)
- My view on the marriage Bill (10, New vision, Tuesday, March 19,2013) by Rev.Dr.Solomon Nkesiga.
- Marriage and Divorce Bill promotes peace and Justice(12 New vision,Thursday,March 14,2013) by Dora Byamukama
- God initiated marriage for noble reasons(17,New vision, Monday March 18,2013) by Juliet Rwatooro Akiiki
- Pass marriage Bill immediately,Matembe says(3 Daily Monitor,Thursday,March 21,2013) by Mercy Nalugo
- The marriage and Divorce Bill is just a revised version of existing laws(12 Daily Monitor, Thursday March 21,2013) by Juliet Nakato

4) Frequently Asked Questions on the Marriage and Divorce Bill

1. Why the Marriage and Divorce Bill?

It is important to emphasize that Uganda has always had laws regulating marriage. The purpose of the Marriage and Divorce Bill is to reform the current laws relating to marriage. However, the most compelling reason for the reform process of marriage laws is the urgent need to address the glaring gaps in the current laws and to align Marriage laws with the provisions of the 1995 Constitution.

2. How did this Bill come about?

The Uganda Law Reform Commission conducted broad consultations and a research and a report was submitted to Cabinet, which was duly passed and presented to Parliament for debate. The First reading of the Marriage and Divorce Bill was done before the 8th Parliament in 2009, and the Bill was committed to the Legal and Parliamentary Affairs Committee for further scrutiny and consultation with different stakeholders. The current Members of Parliament were equally consulted in the 2012 before the Bill went to Cabinet.

3. Is it necessary to have a law on marriage at this time?

After Uganda has invested so much time and other resources in the reform process it is timely that this Bill is finally enacted so that we all see how it is applied in practice. Future generations may also come up with additional reforms appropriate for their time and circumstances. It is not only necessary it is absolutely essential to address the gaps in the current marriage laws and remove all contradictions that are not in line with the 1995 Constitution.

4. Is it timely to be discussing this Bill in Parliament yet there are more pressing development issues the country is facing?

The 9th Parliament of Uganda introduced a very good practice of adopting a Plan for its work at the beginning of each annual session. In the Session Schedule for 2013 the 9th Parliament is handling some of the outstanding business the House inherited from the 8th Parliament which includes among others the Marriage Bill. This is a priority issue and the Government of Uganda has prioritized it to ensure that all gaps and inconsistencies in marriage laws are finally addressed.

5. Does marriage/family need a code or not?

Uganda already codified all its laws to bring about fairness and consistency in its application. Laws on marriage were already codified and currently we have six laws relating to different forms of marriage. The Marriage Bill consolidates marriage laws, introduces a number of new provisions to address the persistent gaps in the law that have been identified over the years since the constitutional making process and to align marriage laws with the Constitution of Uganda.

6. Is the Marriage Bill against customs and religion?

The intention of the Marriage Bill is to protect the institution of the Family as the most important unit of society and a stable nation. It is not in any way intended to be against any custom or religion. However, practices or norms which are repugnant or against natural justice are already outlawed in the Constitution of Uganda. For example marrying a person

who is below the age of 18 years is unlawful even where it may be permissible by some religions or customs. The law would go a long way in guiding all endeavors to protect the rights of women, men, girls and boys. The Bill is conforming to the changing times.

7. What is 47 years of consultation over this Bill yet it has taken over 5,000 years to build our customs and marriage values that this Bill is going to destroy?

During the Constitutional review process it was clear that there are different interpretations of customs and cultures. The law attempts to provide an acceptable standard so that it fulfils its obligation to protect, defend and uphold the rights of individual persons where possible violations may occur due to archaic customs that are no longer applicable contemporary times.

8. Why is the Bill being rushed?

Rushed? Surprising that anyone would have the impression or belief that the Marriage Bill is being rushed. The Bill has been before Parliament since 2009! There is no rush at all. Parliament of Uganda is following its set schedule which is publicly announced so that all people of Uganda know what business the members are transacting on their behalf. It is 17 years since the enactment of the 1995 Constitution which mandated Parliament to review and make appropriate laws that facilitate the implementation of Article 31 and 33 of the Constitution for example.

9. Isn't this law making divorce easy and thus breaking marriages and families?

The Process of divorce and separation as provided for in the Bill is stringent made to protect the institution of marriage and family. The law provides that divorce cannot be pursued before the end of 2 years of a marriage. The Court of law still has to issue a separation order first so that it gives the spouses time to sort out their difference, reconsider their actions and most importantly to reconcile. Even when the divorce is finally announced the final decree (decree absolute) is only issued after six months.

10. Is having this legislation in place going to solve all the problems with marriages? Is it the sole solution to the problem?

Enactment of the Marriage Bill is not intended to be a solution for all problems relating to marriage. In addition to having the laws reformed it is important that the people know what the law provides so that they can adhere to it. As the holy books say knowing the truth sets a person free. Knowing what the law provides on marriage and the family sets every woman and man free to make choices and conduct his/her marriage and family affairs within the confines of the law.

11. The Bill is only focusing on property, is property the major reason why parties marry? Do we make the family a centre of love and mutual appreciation or a market place for property bargains?

The Bill in its current form has 178 Clauses and only about 25 Clauses are essentially focusing on property issues. It is therefore, not correct for anyone to claim that the Marriage Bill is majorly focusing on property issues. The Laws of marriage first and foremost recognize that people come together to live as husband and wife to form a family through consent.

12. What is the place of children in this law, are they going to be shared as property at dissolution of a marriage?

When a marriage breaks down and all attempts to save it have been made by the parties and the families involved and the religious leaders have also played their part, the spouses may decide to seek for a divorce. The guiding principle as already established under the Children Act which is replicated in the Marriage Bill is to make the interests of the children paramount in any decision made by the Court.

13. What about cohabitation?

This is a situation where an adult man and an adult woman decide to live together without being legally married under one roof and hold out to the rest of society that they are husband and wife but have not gone through any ceremony of marriage to contract a legally recognized marriage. The Marriage Bill does not make cohabitation a legally recognized marriage but it recognizes that this is a matter related to marriage and family and this is the reason for introducing specific provisions in the law on cohabitation.

12. What if the Christians withdraw from this law like the Muslims did, who will the government be legislating for?

Laws are made to promote peaceful co-existence and harmony in society and avoid anarchy, confusion and violation of rights of any persons. The government make secular laws, which harmonize different positions where there is conflict. In this case the Government is fulfilling its obligation to defend and protect the rights of all spouses in legally recognized marriages.

14. The Bill does not define consent in regard to conjugal rights. Is there going to be an invoice, a receipt or voucher to show proof of consent to sex in marriage?

Consent to conjugal rights and obligation is presumed in all types of marriage that are legally recognized in Uganda. However, this consent pertains where there is love, trust, confidence in each other, faithfulness, good health and good communication between the spouses. When these basic elements that sustain a marriage are violated and respect for the body and dignity of spouse is violated the presumed consent may be withdrawn for some time to provide space for objective consideration, negotiation and reconciliation.

15. If a spouse is sued for marital rape/denial of conjugal rights and is to serve a sentence of 5 years imprisonment what happens to the marriage after he/she has served his/her sentence?

It is important to note that the pursuit of justice is a high cost to pay. When a spouse accuses the other of marital rape it is obvious that this marriage is already broken down to a certain extent. Most probably the spouse who brings the accusation of marital rape will also go ahead and file for a divorce if reconciliation is not achieved.

16. What are the restorative measures that this Bill offers except for breaking marriages through legislations?

Clauses on how to contract a legally recognized marriage all have implied restorative measures. When the spouses have problems they first approach the persons who celebrated their marriage to help them resolve their differences. Secondly, a spouse has to first apply for a judicial separation. She or he cannot directly apply for a divorce. The separation is intended to give space to the couple to reconcile and sort out their differences without the complication of enforcing conjugal obligations when the fabric of the marriage is bleeding.

17. There is an apparent contradiction between Article 7 of the Constitution which provides that Uganda shall not establish a State religion and Article 129 (1) which provides for the establishment of Quadi courts. This contradiction has serious implications on the stability of the institution of marriage in this country as well as the future stability of the nation as a whole. So how has this Bill addressed this issue?

The Marriage Bill is not enacted in a vacuum. There is the Constitution which clearly provides for the establishment of courts of judicature in Uganda. It provides that Parliament may establish subordinate courts including Quadi Courts to handle issues of marriage, divorce, inheritance of property and divorce. Quadi courts are subordinate courts to the High Court, Appeal Court, Constitutional Court and the Supreme Court of Uganda. Article 138 (2) provides that decisions of any lower court to the High Court shall be appealable to the High Court.

18. What happens if a man decided to put all his property in his 'children's names' would it be subject to sharing with the wife at divorce?

In a marriage there will always be property that is jointly owned, for example the matrimonial home, unless if the parties to the marriage agree otherwise. The agreement according to the Marriage Bill may be oral or in writing and must be made with witnesses for it to stand the test of time. If a man decides to place all his properties in the names of her children this means that he never had the intention to own it jointly with the wife. The Marriage Bill recognizes that spouses may own property jointly or separately.

19. Does a woman deserve a share of property if she did not bear any children by the time of divorce?

Children are a gift from God. Failure to bear a child may be due to the condition of the man or woman in a marriage. If a woman has made a contribution to the accumulation of the property or the spouses orally or in writing agreed to equally share the property the rights

of the woman cannot be denied just because she did not bear children during the subsistence of the marriage.

20. What does the Bill say about marriages across religions for instance Christian and Muslim?

The Marriage Bill clearly states that two consenting adults are free to choose the type of marriage to contract. Once they have made the choice then they have to abide by the rights and obligations that arise from that particular type of marriage.