

**REPORT OF THE PROCEEDINGS OF THE GENDER
FORUM HELD AT THE NAIROBI SAFARI CLUB (LILIAN
TOWERS), NAIROBI ON 30th APRIL 2009
FROM 4.00 – 600PM**

***“GENDER SPECIFIC LEGISLATIVE REFORMS
AN ASSESSMENT OF THE MARRIAGE BILL, 2007”***

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LIST OF ABBREVIATIONS

- HBF** - Heinrich Boll Foundation (East & Horn of Africa)
FIDA – Kenya- Federation of Women Lawyers – Kenya
KLRC - Kenya Law Reform Commission

LIST OF STATUTES

- African Christian Marriage and Divorce Act, Cap 151
Affirmative Action Bill, 1997
Children’s Act, 2001
Constitution of Kenya
Family Protection Bill, 2007
Hindu Marriage and Divorce Act, Cap 157
Marriage Act, Cap 150
Marriage Bill, 2007
Matrimonial Protection Bill, 2007
Mohammedan Marriage and Divorce Registration Act, Cap 155
Penal Code, Cap 63

BACKGROUND

“Marriage, because of its centrality in social relations, offers an excellent setting for the assessment of the status of Kenyan women. Clearly it has important effects on women’s economic status...the multiplicity of family laws makes it impossible to assess the exact quantity of property rights of a Kenyan woman....and it also implies that we are unable to respond fully to the needs of all women, irrespective of their cultural background, during periods of tension in marriage, such as separation, divorce and a husband’s death...” – Gender and Law, Eastern Africa Speaks; Edited by Gita Gopal and Maryam Salim; 1998, Washington D.C

In line with its agenda to engage in discourse on the broader issues of the Kenya Reform Agenda in order to build on the dialogue and interventions that began last year, Heinrich Boll Foundation (HBF)’s theme for the April Forum was tailored to bring together panelists and participants to interact and discuss issues relating to the matrimonial laws in Kenya, more specifically the **Matrimonial Bill, 2007**.

The participation by two panelists who have played a pivotal role in the legislative reforms relating to matrimonial laws in Kenya, served to enrich the Forum with a historical and practical perspective to the current legislation, who would, in the presentations, highlight, the following thematic issues, *inter alia*:

- The gender specific pieces of legislation that have undergone recent reform initiatives (Family Protection, Equal Opportunity, Marriage, Matrimonial Property Bills etc) giving a background on the work, challenges and the rationale for the reform process.
- A specific look at the Marriage Bill 2007 and the provisions therein, looking specifically at the provisions that have raised most public interest and debate.
- The implementation challenges that may arise out of the entire spectrum of the bills as well as the strategic considerations required when seeking their passing.

INTRODUCTION

Welcome Remarks

Welcoming the panelists and the participants to the Forum, Dr. Axel Harneit-Sievers¹ introduced the Gender Forum, which the largest public forum on gender issues in Nairobi, taking place every last Thursday of the month. The agenda to date has focused on engendering political debate on various issues. Last year, the Forum dealt with issues emerging from the post election violence. The theme of the April Forum was very gender specific, dealing with the legislative reforms relating to matrimonial laws.

Observing that in the recent past, the Marriage Bill 2007 had created a stir amongst the public, Dr. Harneit-Sievers attributed the same to an Article appearing in one of the local dailies, The Standard Newspaper, on 21st March 2009, “Bill Opens Wide Ridges to Men”. He opined that the title of the article was rather contentious and aided in fueling the controversy over the provisions of the Bill.

The Marriage Bill, 2007, is an attempt to modernize marriage law in Kenya, which is still heavily based on the colonial representations. The Article in the Standard Newspaper is clear portrayal of the social and gender tensions surrounding the said Bill.

Dr. Harneit-Sievers introduced the panelists, namely Nancy Baraza², the current Deputy Chair of the Kenya Law Reform Commission, and Ms. Judy Thongori, a Family Law Advocated and former Executive Director of FIDA-Kenya and welcomed the participants to an invigorating discourse on the issues of matrimonial laws in Kenya and the proposed legislative reforms.

¹ Heinrich Boll Stiftung

² Ms. Baraza is also a Family Law lecturer at the Kenyatta University and the Kenya School of Law. She has been involved in the field of legislative reform since the 1990’s.

PRESENTATIONS

GENDER SPECIFIC LEGISLATIVE REFORMS

- MS. NANCY BARAZA

Expressing her delight at being at the Forum, Ms. Baraza began her presentation with a brief introduction into the journey for reform of gender laws in Kenya, by giving a broad overview of the country's gender law reform agenda., which falls squarely under the ambit of the Kenya Law Reform Commission (KLRC)³.

Expounding on the mandate of the KLRC, Ms. Baraza explained that the Commission is tasked with the duty to undertake law reforms in the country, including reforms around gender related Bills. She informed the Forum that the KLRC had recently produced four (4) gender-related Bills, namely;

1. Marriage Bill, 2007
2. Domestic Violence Bill, 2007
3. Equal Opportunities Bill, 2007
4. Matrimonial Property Bill, 2007

Emphasizing the seriousness with which the country was treating these Bills, Ms. Baraza began with an overview of the **Marriage Bill, 2007**.

Highlighting the historical background of the Marriage Bill, Ms. Baraza explained that over the last few decades, the reform of marriage and family law has been one of the most pressing areas for legal reform in Kenya. The need for the reform in these laws is informed by a number of factors, namely:

1. Laws must be reviewed regularly in order to keep up with realities of life as expressed by the changing economic, social and cultural trends.
2. There are in existence laws, practices and customs, some of which have the effect of impairing the exercise by both men and women of rights, powers and duties, on an equal basis, in marriage and upon the dissolution of marriage. Reforms of marriage laws are

³ The Kenya Law Reform Commission was established on 21st May 1982 as a primary agency to spearhead law reform and review processes in the country. Its mandate as contained in Section 3 of Chapter 3 of the Laws of Kenya is "to keep under review all the laws of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization."

aimed at ensuring equality, non-discrimination, justice in marriage and upon its dissolution

3. a response to the historical legacy of colonial rule in Kenya and the subsequent legal pluralism engendered by the project. With the enactment of the laws by the colonial authorities and the introduction of Christianity, the stage was set for the westernization of the marriage institution

Although some Africans contracted marriages under the modern laws, most of them continued to observe their customs, resulting in the myriad of laws that now govern marriage and its dissolution. These include:

1. The Marriage Act, Cap 150 of the Laws of Kenya⁴

This involves a marriage solemnized by a government officer, such as the Attorney General or Provincial Administrator.

2. The African Christian Marriage and Divorce Act, Cap 151 of the Laws of Kenya⁵

This was enacted by the colonial government to cater for Africans who had chosen to forsake their traditional way of marriage and had opted for the Christian one. This is a more simplified version of the Marriage Act.

3. Customary Laws

These are still applicable in accordance with the diverse customary practices.

4. Mohammedan Marriage and Divorce Act, Cap 156 of the Laws of Kenya⁶

The Act governs marriages contracted under Islamic law.

5. Hindu Marriage and Divorce Act, Cap 157 of the Laws of Kenya

This governs marriages contracted under Hindu religion.

6. Common Law

This is commonly referred to as “come-we-stay”. Although some consider it to be a fairly recent phenomenon, the same has its roots in English law, under the common law presumption of marriage, where couples live together for a period of time as husband and wife. The main obstacle faced by couples in such relationships is proof, which may require one to show that in

⁴ An Act to make provision for marriages

⁵ An Act to provide for the marriage of African Christians and for the dissolution of such marriages

⁶ An Act to provide for the registration of Mohammedan marriages and divorces

the eyes of the reasonable man, the couple could be perceived to be husband and wife. Currently, there is no time period for the cohabitation, after which a couple can be presumed married. However, the Marriage Bill now imposes a time period for the same.

All these marriages are contracted under different laws, which are also applicable to their dissolution.

Noting that the initiatives in marriage law reform are not unique to Kenya, Ms. Baraza pointed out that progress has been made in many African countries, which have either reviewed their laws in the recent years or are in the process of doing so. In Tanzania, the reforms began immediately upon independence, culminating in the adoption of the Law of Marriage Act, 1971, which borrows a lot from the Kenyan Marriage Bill. In Uganda, the reforms have been on the agenda for the last two (2) decades, facing the same hustles as we now face in Kenya.

In Kenya, the reform initiatives date back to 1968, when the Late President Jomo Kenyatta appointed the first commission to look into the various regimes⁷. That commission undertook the collection and collation of views from around the country, culminating in the 1968 Government Report on the Law of Marriage in Kenya. The outcome of the Report was the 1969/70 draft Marriage Bill, which was introduced in Parliament sometime in the 1970's but was rejected.

Recently, there was another attempt to reintroduce it. Once again, this was rejected, reason being that the Bill had tried to outlaw polygamy. The current Bill is yet another attempt to introduce the much needed reforms, and it is hoped that the Bill will be tabled in Parliament within the current term.

With regard to the **Matrimonial Property Bill, 2007**, Ms. Baraza observed that the biggest question is what constitutes matrimonial property. Noting that Kenya, unlike other countries, does not have any substantive law that defines matrimonial property, she enlightened the Forum that currently the applicable law is the English Married Women's Property Rights Act, 1882⁸. Although England has since reviewed the Act, with reviews as recently as 1994, the 1882 Act is still applicable in Kenya, making it rather archaic, procedural and obsolete in light of the current reality. The Act only enables a woman to go to court and have it determine the issue of

⁷ The 1969 Commission on Marriage and Divorce

⁸ The Married Women's Property Rights Act of 1882 significantly altered British law regarding the property rights granted to married women, allowing them to own and control their own property. The Act altered the common law doctrine of coverture to include the wife's right to own, buy and sell her property separately.

matrimonial property. However, the court has no law to follow in determining her share of the property, hence the need for urgent reforms in this area.

Elaborating on the current lacuna in legislation, Ms. Baraza noted that it is the courts that have defined a jurisprudence to govern matrimonial property, using section 17 of the English Act. Parties can access the courts under this section and have the court determine the issue of matrimonial property. However, it is noteworthy that under these provisions, only women can access the court to have the matter determined. The same is not available to men, hence creating some inequality in the application of the law.

In relying on the provisions of section 17, the courts have then developed the jurisprudence through their rulings. In *I –vs- I*, the first case of this nature in Kenya, the Court ruled that the 1882 Act was one of general application and applied to customary marriages.

In *Karanja –vs- Karanja*⁹, the marriage in question had been contracted under Kikuyu customary law. The court held that there could be dual application of the Act and customary law.

In *Essa –vs- Essa*¹⁰, the parties were married under Islamic law. The Court ruled that the 1882 Act applied to an Islamic marriage.

In *Kivuitu –vs- Kivuitu*¹¹, the Court emphasized the contribution by the wife to the matrimonial property and that the same could be presumed by virtue of the wife's participation in the marriage.

In *Icharia –vs- Icharia*, the High Court did recognize non-monetary contribution of the wife to the purchase of matrimonial property. However, this decision was later overturned by the Court of Appeal, which stated that such a presumption has no basis whatsoever in law. The contribution by any party cannot be in any other form other than monetary, and as such, the same must be proved. Further, the Court of Appeal opined that the holding in *Kivuitu –vs- Kivuitu* was mere obiter dicta, and that is it not the business of the Court to make laws, but that of Parliament.

⁹ (1976) KLR 307

¹⁰ Civil Appeal No. 101 of 1995

¹¹ C.A No. 26 of 1985, (1991) KLR 248. Held that the Married Women's Property Act of 1882 is one of the Acts of general application in Kenya. Also held that because of the contribution at the initial stages of negotiations, the wife contributed either in costs or in kind towards the purchase of the property.

It is this inconsistency in judicial decisions and obvious lacuna within the provisions of the law that makes the enactment of the Marriage Bill, 2007 necessary.

Regarding the **Domestic Violence Bill, 2007**, also referred to as the Family Protection Bill, Ms. Baraza began with a brief historical background into the drafting of the same. Initiatives to enact this Bill began in 2000, when the Domestic Violence Family Protection Bill was first tabled before Parliament. However, the Bill lapsed before being enacted and was later revised and updated to reflect the present day requirements by making it wider and more flexible to accommodate all matters related to domestic violence without limiting it to the Penal Code.

She explained the justification for the Bill being that the Penal Code, which houses all crimes proscribed under the Laws of Kenya, does in fact provide for domestic violence. Nevertheless, these provisions are very insufficient and are not the proper forum to address and resolve the issue of domestic violence by treating it as a typical crime, which in reality it is not. Family matters are unique and call for unique treatment. The analysis of the problem is that domestic violence and abuse are rampant in all cultures, races, ethnicity, religion, when one partner attempts to physically or psychologically dominate another. While in this context domestic violence refers to married couples, it can also refer to co-habitants or non-married partners.

The forms of domestic violence are several, and include physical and sexual violence, emotional abuse, economic deprivation and threat of violence. This definition in itself is so broad that it cannot be encompassed or derived from an interpretation of the provisions of the Penal Code regarding domestic violence. While this form of abuse is largely criminal under Kenyan laws, social, cultural and economic factors, together with the complex court procedures have prevented many victims of the violence from securing protection from the law. This then necessitates the enactment of the Bill.

The final Bill, the **Equal Opportunities Bill, 2007**¹², stipulates that every person is entitled to equality, with respect to the following, without discrimination, and further makes it an offence to discriminate against any person on the following grounds:

Employment, education and training, access and use of public facilities, health service and facilities, housing, financial services, acquisition, change or redemption of nationality or domicile, admission to professional associations and clubs

¹² Initially tabled as the Equality Bill, 1999, the Bill was drafted by the Ministry of Home Affairs together with organizations from civil society. It seems to make provisions for equal treatment of all citizens, irrespective of their gender, and end all forms of discrimination. It came as a response to the Beijing and New York Gender Conferences.

Explaining the genesis of the Bill, Ms. Baraza noted that initiatives in the same began with the Affirmative Bill, 1997¹³, which was introduced to Parliament by then Hon. Phoebe Asiyo, covering areas of gender inequality. Unfortunately, the Bill was shelved and never saw the light of day. Another attempt was made by Hon. Beth Mugo, but once more, the Bill was defeated. This

In conclusion, Ms. Baraza noted that these Bills not only provide for women, but also cater for other marginalized groups in society, in a bid to be all-encompassing, and it is hoped that with the new approach, the said Bills will be successful when tabled in Parliament.

¹³ The Affirmative Action Bill, tabled in Parliament in August 2007, was highly publicized. The women had organized public rallies, road shows and many initiatives to support their cause, including a public demonstration outside Parliament on 15th August 2007. The Bill failed to pass.

THE MARRIAGE BILL, 2007

MS. JUDY THONGORI

Exuding enthusiasm, Ms. Thongori began her presentation by commenting about the political conflict, economic downturn, lack of leadership and governance that were currently facing the country. The topic of discussion at the Forum, she opined, has a lot to do with the long-term sustainable solution to the stress and strife that has plagued the country, the continent and the world at large. This is largely because, at birth, we are born either male or female. The difference between the two is merely biological. However, once we are received into this world, we are socialized differently, thus creating the clear distinction between men and women. In the premise, the greatest transformation that can occur in a person can only be made at the point of entry, which is the family. Ms. Thongori submitted that if all efforts and energies are put into making our children better people, into teaching them values of justice, fairness and equality, then we are likely to pass on a nation that our children and the future would be proud of. In order to do this, there must be legislative support, which includes the Bills spoken about by Ms. Baraza. If families have the basic needs available to them, and all persons could access education and jobs on an equal level, this would promote and encourage an informed thinking process.

Citing the example of the current parliamentarians, Ms. Thongori observed that although the leaders of the country seemed to be different, they are all alike. She questioned the differences in the parliamentarians, some seemingly working for the good of the nation, whilst others did not. Would they have been so different had they been exposed to the aforementioned values? She submitted that there was no way of supporting families except through providing them with a law that helps them determine conflicts such as custody and determination of matrimonial property. To this end, the Marriage Bill 2007 is a crucial piece of legislation that will facilitate and support families. Ms. Thongori called on the participants and the public at large to give feedback to the Bill.

Commenting on the positive aspects of the Bill, Ms. Thongori lauded The Marriage Bill as the first home grown Act relating to marriage and family law. The current Marriage Act, Cap 150 commenced in 1902 and was last revised in 1962. The other Acts relating to marriage laws are equally old, with their commencement ranging from 1906 to 1929 and boast of their last revision in 1962. It would therefore seem that since independence, the country has not found it necessary to review the very laws that affect us most. Noting the importance of a family, Ms. Thongori cited the example of the Presidency in the United States of America, where the first family is held with such esteem and distinction, and considered as a fundamental part of the presidency.

Secondly, the Bill seeks to consolidate all seven (7) Acts into one. By the very number of Acts, it means that one has to navigate through them all and even then it might not be simple to understand their provisions. Lawyers, who are considered to be the experts in this field, will often get confused or miss certain details in the various provisions. It ought to be simpler to establish whether or not one can be considered married, as well as establishing one's rights under marriage. The consolidation of all these Acts is therefore of paramount importance if justice is to be accessible.

Thirdly, the Bill will ensure that "marriage" is comprehensibly defined in Kenya and will enable one to establish concisely whether or not one is legally married. In addition, it will allow for the registration of marriages contracted under customary laws or in situations of cohabitation, and parties will be able to obtain certificates. Under the current laws, in the case of customary marriages, one has to produce evidence to show that he or she is married, which will include evidence from the elders who oversaw the process as well as the dowry.

Further, the Bill seeks to do away with the obligation to pay dowry, which requirement has in the past been distorted in its interpretation such that women are often considered to be chattels. Dowry may or may not be paid, bearing in mind the capability and capacity of the man to pay such sums.

The Bill takes cognizance of polygamous marriages. In explanation, Ms. Thogori pointed out that part of the reason why the 1967 Bill failed was because it failed to recognize polygamy, which is an accepted norm in our traditional African societies. The current Bill therefore provides that a marriage may be polygamous, but the same should be indicated from the onset and cannot be altered in between. In addition, the Bill proposes that one can file an objection with the Registrar against a proposed marriage, especially where the objecting party has borne a child with one of the persons intending to get married to third party, and that until such objection has been determined by the Registrar, no marriage will be contracted between the intending couple.

On the issue of maintenance, the current laws do not provide that a man may be maintained by his wife irrespective of how poor or needy he may be. The Bill proposes that spouses may maintain each other if need be. This is in line with the principles of justice, fairness and equality.

Ms. Thongori highlighted that the Bill recognizes conciliatory services. The Court can recommend that parties pursue conciliation between judicial proceedings. Ms. Thongori went further to suggest that in addition to the conciliatory services, the Bill should also provide for counseling and related services for the parties, particularly where parties are seeking an avenue to express themselves.

The current practice when one is seeking a divorce is that the issues of custody and maintenance of children will be determined in a separate suit by a different court, while the issues of the marriage and matrimonial property, if any, will be determined by another. The Bill proposes to have all the issues dealt with by the same Court and in the same legal proceedings, thus saving the litigants the headache and time of filing separate suits. Furthermore, the current laws do not allow one to obtain a divorce by consent. Nevertheless, the Bill provides an extra ground for divorce, namely, that the marriage has irretrievably broken down.

In conclusion, Ms. Thongori surmised that the Bill is good. Although not perfect, it is a starting point from which to build on and it is definitely a step in the right direction.

PLENARY

Following an enlightening presentations by the two panelists on the legislative reforms with respect to marriage laws, the participants then took the opportunity to air their views and voice their concerns on the topic of discussion, raising the following pertinent issues:

- The Marriage Bill is a good and progressive piece of legislation that should not be allowed to fail like its predecessors. The media and the public in general should take steps to ensure its provisions are enacted. However, the Bill alone is not the solution to the gender-based discrimination in our country. The fundamental principles lie within the Constitution, in particular section 82 (4), and it is the Constitution that we need to amend first in order to deal with the issue of discrimination conclusively.
- There was concern that the Marriage Bill, 2007 seemingly repeals all other existing Acts on marriage, including those relating to Islamic and Hindu marriages. The Bill's provisions relating to these marriages are not conclusive and it would be advisable to amend the specific Acts relating to Hindu and Islamic marriages, rather than repealing them and incorporating these provisions in the Marriage Bill.
- Laws are meant to reflect the social and cultural realities. The fact is that the communities within our country are not developing in tandem. It seems that women folk in the rural areas have accepted their fate and they form a larger majority of the society. The elite, on the other hand, form a minority. It would be imprudent to rush this process and expect all members of society to subscribe to it. In addition, this would be rather unfair to the rural folk.
- It would be unfair to expect one regime of marriage to define other regimes. The diverse regimes should be individually developed and empowered in order to enable them deal with issues in their own way.
- It was noted that in reality, many women are not legally married. They simply co-habit with their "spouses", which is an issue of great concern with regard to their rights. There was a call to mobilize masses to attend the Parliamentary sitting when the Bill is finally tabled, in order to note which particular Members of Parliament do not support this agenda.
- There was a call for HBF to assist in the dissemination of this information to the rural areas.
- There was a general query on the matters considered when distributing matrimonial property. Since women might not contribute monetarily, it is also necessary to consider their emotional and physical contribution by virtue of them being homemakers.
- On the issue of polygamous marriages, it was noted that it is difficult for one to know and indicate that a marriage was potentially polygamous. The predisposition to polygamy is not

something that is preconceived at the point of contracting the first marriage and is one that just develops with time.

- It is crucial that all contentious issues be addressed and harmonized before the Bill is presented to Parliament, if the same is to succeed. There was a suggestion to widen the grounds for divorce, whilst addressing the issue of dowry and polygamy with due regard to the religious groups and the male-dominated Parliament, respectively.
- It was noted that although the Bill is progressive and a good initiative, it is also important to deal with the change in attitude of society first. There needs to be a shift from our inherent patriarchal culture, which shift cannot be done strictly through enactment of laws.

In her response to the concerns raised, Ms. Thongori opined that it was high time that we as a society agree on the kind of standards we want to have. If we decided that we shall have a criterion of justice, fairness and equality, we should all live by them and not leave behind a section of society simply because they have seemingly accepted their lot. If we consider it important to protect our families, we should also consider all families within the nation, particularly those which are ignorant of their rights and require most protection. The Marriage Bill therefore is representative of acceptable standards and is not an attempt at boxing in couples.

Marriage is a major investment, both emotionally and physically. It is not difficult to get married, but is very traumatic to get out of the same. It is not accidentally that a marriage turns polygamous. The parties to the marriage have the power to decide over their lives.

The change required in our society needs to be both in terms of attitude and the law. The law must set the fundamental standards to facilitate a change in the society's attitude.

On the issue of children born out of wedlock, Ms. Thongori pointed out that this was an matter to be dealt with under the Children's Act and not the Marriage Bill.

On her part, Ms. Baraza concurred that the provisions of the Bill alone were not sufficient to deal comprehensively with the issue of discrimination in the country. She affirmed the need for constitutional amendments in a bid to curb the vice and promote equality amongst all members of society.

Further, on the issue of the Marriage Bill, Ms. Baraza agreed with the sentiments expressed by Ms. Thongori that the Bill was not an attempt to box in Kenyans into one marriage regime. She clarified that the Bill was simply an attempt to harmonize the various scattered pieces of

legislation relating to marriage under one roof, in order to improve the procedure and general understanding of marriage laws. She added that the Bill also embraces new developments with respect to modern society, such as provision for pre-nuptial agreements in respect of property.

On the issue of the presumption of marriage, Ms. Baraza clarified that the provisions of the Bill in this regards were not novel. Already cohabitation was recognized under the common law marriage, save that the current provisions did not state a time period after which a couple can be presumed married. The Bill seeks to impose a time frame and the same is favorable to both parties, be it man or woman.

The Bill does not refer to any specific gender, whether male or female. It also does not talk about the girl child. The Bill deals with the family unit. In observing this, Ms. Baraza concurred that a change in attitude is necessary. That notwithstanding, a change in the law is a good platform from which to execute all other changes and reforms.

On the issue of maintenance, Ms. Baraza noted that the Bill provides for maintenance of the unable spouse by the able one. This is in line with the principle of equality. Further, the Bill provides an avenue for men to acquire their share of matrimonial property, which is currently not possible under the existing laws.

Regarding polygamy, she noted that there are instances when a potentially monogamous marriage can convert into a polygamous one, such as infirmity. The Bill does not close this door to couples. Instead, the Bill takes cognizance that the nature of the marriage, whether polygamous or monogamous, is a private arrangement between the couple themselves, and provides avenues for them to register the same.

WRAP UP & CONCLUSION

Wrapping up the edifying discussion on the Marriage Bill, Dr. Harneit-Sievers noted that this debate is a potentially lengthy one that will heat up once again when the Bill is tabled in Parliament. There is a general feeling of insecurity about the provisions of the Bill, which fact is demonstrated by the numerous questions that remain unanswered. Public dialogue and education is necessary in order to facilitate better understanding of the intention of law, which efforts should not be restricted to the general public alone. The Members of Parliament, too, need to be further enlightened in order to make them more open-minded.

In conclusion, Dr. Harneit-Sievers thanked the panelists for their informative and thought-provoking presentations and invited all participants to attend the next forum which shall be communicated in due course, through the media and its new website www.hbfha.com