

CONTRIBUTION BY HON. DR. ESTHER MUINJANGUE; ON THE DIVORCE BILL

With regard to the *Divorce Bill* –

Mediation is a very important exercise before and during mediation. Is a dispute resolution process in which an impartial third party to facilitate negotiations between parties/spouses to help them devise their own, mutually acceptable solutions.

I see "*mediation*" and therefor also "*mediator*" are not defined. This Bill need to specify it.

Also - divorce can be done by High Court or Magistrate's Court. Does this mean a party (person) can approach the Magistrate's Court (once in force) to institute the divorce or do they still need to do this through a lawyer (for me, it does not come out). Once Magistrate's Courts are allowed to do divorces, in which cases does it go to the High Court?

With regard to the ***Marriage Bill***:

Social workers engage with married couple, before they get married by providing pre-marital counseling. Even when all is well and rosy they provide enrichment programs to enrich and strengthen the marital relationship. When this are not okay and the couple experience challenges, social workers intervene by providing counseling and psycho-social therapy. In the definitions the Bill does not define social worker. So, it is important to define social work and social worker.

Child Care and Protection Act, 2015 - CHAPTER 2: OBJECTS OF ACT, GENERAL PRINCIPLES AND AGE OF MAJORITY

Section 10(10)states: Despite subsection (1), a person who is under the age of 21 years requires the consent of his or her parents or guardian to enter into a marriage, unless that person has been previously married or emancipated by an order of court.

Will the marriage Bill align to the above?