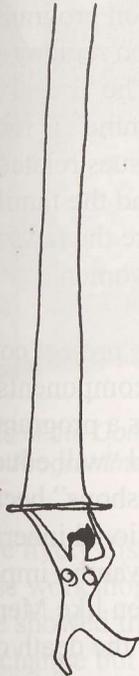


End of marital power drawing nearer



The Married Persons Equality Bill seeking to make spouses equal before the law will be tabled in the National Assembly in early 1995.

Law Reform and Development Commission (LRDC) acting chairperson Ms Bience Gawanas said Cabinet had already approved the draft bill.

"Since independence, Namibian law has lagged behind the goals and promises of the Constitution," said Ms Gawanas who is also the chairperson of the LRDC's Women and Law Committee.

Under the existing law, a woman married in community of property must have her husband's consent if she wants a loan from the bank.

"In other words, a woman married in community of property is considered a minor and her husband, her legal guardian," said Ms Gawanas.

She said a wife subject to her husband's marital power lacked the capacity to sign contracts or initiate legal proceedings without her husband's permission.

The bill which deals only with marriages contracted under the general law of this country or those contracted outside Namibia and recognised in terms of the Recognition of Certain Marriages Act, seeks among other issues to empower women previously subject to their husbands' marital power.

Under the bill, married women will be conferred the full legal capacity to enter into contracts, sue and serve in various capacities such as directors of companies or executors of deceased estates.

"Marital power shall be repealed and both husband and wife shall enjoy full legal equality," said Ms Gawanas.

"Where the couple are married in community of property, the husband and wife shall have equal decision making power regarding their joint property and transactions affecting the joint property shall require the consent of both spouses."

Where joint property is currently registered in the husband's name, the wife will be entitled to enter an endorsement on the title deed. Women will also have the right to register property in their own names and allowed natural guardianship over children of the marriage.

"Some people seem to have the erroneous belief that the bill takes away the rights of men, while others believe it undermines religion and culture," she said.

"We need to state from the onset that this bill ensures that every person, whether a man or woman, enjoys the full basic human rights guaranteed in the Constitution to which we all subscribe."

Ms Gawanas said there was no denying that biological differences existed between husband and wife but those should not continue to serve as justification for continued subordination of women and discrimination against them.

"Without married persons equality, we will continue to live our lives on notions and practises which are outdated and contrary to the society we hope to build," she said.