



GREEN PAPER ON MARRIAGES IN SOUTH AFRICA IN THE PUBLIC EYE

1. The Department of Home Affairs (DHA) has published a Green Paper (**Policy Discussion Paper**) that will guide the drafting of a new marriage law in South Africa. The proposed changes will affect marriages and civil unions of all people who live in the country though not in the same way.
2. The department invites you to share your views on some of the **contentious** issues that are covered in the current Green Paper which is **not yet** an official position of government.
3. We invite you to spend few minutes of your precious time to fill this non-compulsory questionnaire to give your views on marriages. This questionnaire is anonymous and your name and surname are not required.
4. The questionnaire may be emailed to marriagegreenpaper@dha.gov.za or submitted to the nearest Home Affairs office.

Demographic information (mark with X)

AGE GROUP	18 - 35 years	36 - 50 years	51-65years X	66 and above
GENDER	FEMALE	MALE X	OTHER	
NATIONALITY	SOUTH AFRICAN X		NON- SOUTH AFRICA	
PROVINCE	Western Cape			
DISTRICT/DHA OFFICE	Wynberg			

PLEASE SHARE YOUR VIEWS ON THE FOLLOWING ISSUES

(a) Polygamous Marriages			
	Agree	Disagree	Please state your reasons
(a.a) Should polygamy be reserved for men (males) only?	X		Whether monogamous or polygamous, marriage is the union of a man and woman (or women). This has reference in thousands of years of human history. Civil unions are recognised as unions between persons of the same sex for the past 20 years only. But this is not marriage.
(a.b) Should polygamy be allowed for all persons irrespective of their sex and gender; that is males, females and non-binary persons?		X	Marriage is the union between a man and a woman or in the case of polygamous marriages – between a man and various numbers of women by consent.



(b) Children Marriages			
	Agree	Disagree	Please state your reasons
(b.a) Should children marriages be continued as per the current law that allows persons as young as 16 years to marry?		X	16 years is too young to make decisions about marriage.
(b.b) Should the marriage age be changed to 18 years in line with the Children's Act?	X		If children are allowed to vote or acquire a driving license at 18 years then it reasonably follows they need to be sufficiently mature to make the lifechanging decision to marry. I therefore agree the legal age for marriage must be 18 years.

(c) Consent to a marriage			
	Agree	Disagree	Please state your reasons
(c.a) Should consent by all intending spouses be compulsory for all marriages including customary and religious marriages?	X		Consent must be compulsory between both parties in marriage. Religion or custom cannot remove a person's right to consent to what should be a lifelong obligation.
(c.b) Should consent of <u>one</u> of the intending spouses or <u>parents</u> be sufficient for all marriages including customary and religious marriages?		X	The law cannot allow for one party or third parties to consent to a marriage between two people. This will leave the door open for abuse. Only the intending spouses can legally consent to the marriage they are entering into.



(d) Royal and customary marriages			
	Agree	Disagree	Please state your reasons
(d.a) Should the marriage legislation recognise a wife who is married to give birth to a future king?			I am not sufficiently familiar with this tradition and cannot therefore comment.

(e) Solemnisation of marriages			
	Agree	Disagree	Please state your reasons
(e.a) Should it be compulsory for all marriage officers (government and religious leaders) to solemnise all marriages and civil unions?		X	No citizen must be compelled by the law to violate their conscience, religious beliefs or deeply held convictions. Both civil and religious marriage officers must register to solemnise the category of marriage that accords with their religious and cultural beliefs. They can register to solemnise (1) Marriage, (2) Polygamous Marriages or (3) Civil Unions. Or two or all three. But they must have freedom of choice.
(e.b) Should the government allow all social groups (religious, cultural and non-religious) to solemnise marriages in line with their beliefs or values?	X		Yes, government must register marriage officers from the different religious, cultural and social groups in South Africa to ensure there are marriage officers willing and available to solemnise the different categories of marriages in South Africa. No marriage officer whether state or religious must be forced by law to officiate a marriage that violates their religious, cultural or personal beliefs and convictions.



(f) other	
Any other issue	Reason
Monogamous heterosexual marriage must not be redefined to include same-sex and transgender unions. The proposed “Single Marriage Statute” can recognise, protect and regulate the different categories of marriage in South Africa by including three chapters that identify the three (or more) categories of marriages and protected relationships in the proposed new legislation. (1) Marriage: a union between a man and a woman regardless of religious, cultural and racial affiliation. (2) Polygamous Marriages: a union between a man and more than one woman regardless of religious, cultural and racial affiliation. (3) Civil Union: a union between two persons of the same-sex, opposite sex or different gender identities regardless of religious, cultural or racial affiliation.	Marriage is a bedrock civil institution that existed for thousands of years of human history as a union between a man and woman. Children need a mother and father. The sexual complementarity of male and female in marriage is essential for the health and welfare of children, the stability of society and the continued propagation of the human race. Government can recognise, regulate and protect same-sex and transgender unions under the Civil Union category without redefining marriage. Abolishing man, woman marriage in law will be harmful to men and women, children and society as a whole.