

DRAFT PROGRAMME

AFRICAN CUSTOMARY LAW AND TRANSFORMATION: TOWARDS A GENDER RESPONSIVE APPROACH

Proposed Format: Hybrid

Venue: School of Financial Law, Dekaans Street, University of the Free State,

Bloemfontein Campus

MS Team (Online)

All times are SAST / CET

DAY ONE

| Thursday October 27, 2022 | Activity | Facilitators |
|---------------------------|---------------------------------------|--|
| 08:30 – 09:00 | Welcome & Registration | Mawanda Mokoena [FSCHR Administrator]; Mmamoloko Malema [Intern] Portia Nteo [Intern] |
| Time | Plenary / Key Note | Chair- Mrs Caroline Muller-Van der Westhuizen |
| 09:00 – 10:30 | Keynote Address | Prof Anthony Diala: Centre for Legal Integration in Africa, University of Western Cape |
| | Conference Keynote Address | Prof Charles Maimela <i>Deputy Dean of Law University of Pretoria</i> |
| Time | Break | |
| 11:00 – 11:15 | Tea Break at the Foyer | |
| Time | Customary Law and Customary Marriages | Mr Ntando Sindane |

11:15 – 12:30

The Transformation of Customary Family Law through Litigation

Ebrezia EP. Johnson: *University of Stellenbosch, South Africa.*

The Customary Marital Regime in South Africa at the Advent of Democracy

Adv Khupi Ramarumo:
Member, Johannesburg Society of Advocates/ Limpopo Society of Advocates

The Role of Single Marriages Bill as an Avenue to Protect Vulnerable Partners from Invalid Marriages

Dr Aubrey Manthwa:
University of South Africa (UNISA)

Customary Law and Customary Marriages

Dr Rita Ozoemena:
Free State Centre for Human Rights, University of the Free State

12: 30-13:30

Complementary Roles of Courts and Traditional Authorities in Reforming Customary Marriages

Dr Fordam G. Wara:
Researcher Free State Centre for Human Rights, University of the Free State.

The Uncertainties within Customary Marriages in South Africa

Serone Stal:
North West University, South Africa.

Does Generosity and Human Dignity Supersede Legal Certainty in African Customary Law

Ntando Sindane
Dept. of Mercantile Law University of the Free State

Does Handing Over of the Bride in Customary Marriages amount to Discrimination on Grounds of Gender

Sandile Dike:
University of North West, South Africa.

Lunch Break

13:30-14:30

Lunch @ the Foyer

Time

African Feminism and Customary Law

Chair- Ebrezia EP Johnson: University of Stellenbosch, South Africa

14:30 – 15:30

Reflections and Implications of the Agnes Sithole v Gideon Sithole Judgment: A Long Awaited Victory for Black Women

Ntando Ncamane: *University of the Free State*

Polyandry within Customary Marriages as a Way of Restoring the Inequality within Customary Marriages Act 120 of 1998

Ramatabana Tshepo and Serone Stal: University of North West, South Africa.

Gender Neutral Legislative Drafting: A Tool for the Protection of Human Rights (**ON LINE**)

Prudence Adula Okparavero: Nigerian Institute for Advanced Legal Studies, Abuja

Time

Tea Break & End of Day 1

15:30 – 16:00

Tea Break @ the Foyer

DAY TWO

Friday October 28, 2022

Activity

Facilitator

8:30 – 09:00am

Welcome & Registration

Mawanda Mokoena: FSCHR Administrator; **Ntokozo Ntseto:** Attorney, FSCHR & UFS Law Clinic

Time

Gender Equality and Customary Law Plenary & Keynote

Dr Fordam Wara: Post-Doctoral Researcher, Free State Centre for Human Rights

09:00 – 9:30

Key Note Address (**ON LINE**)

Prof Nomthandazo Ntlama-Makhanya
University of Fort Hare

Time

Gender Equality & Customary Law

09:30 – 10:30

Gender Equality and Customary Law

Advocate Liza Tsatsi: Senior Counsel, Advocate of the High Court of South Africa

The Inadequately Married: The Extension of the Putative Marriage Doctrine to assist Vulnerable Parties in Invalid Customary Marriages

Tafadzwa Mavindidze: Rhodes University, Grahamstown.

An Appraisal of the Role of Rituals and their Waiver in the Conclusion of a Customary Marriage

Perfect Lekolwana & Dr Aubrey Manthwa: University of South Africa (UNISA)

10:30 -11:00

Tea Break @ the Foyer

Time

African Feminism & Gender Equality

Chair- Dr Aubrey Manthwa- Head of Department Public, Constitutional, and International Law, UNISA

11:00 – 11:30

Keynote Address

Prof Toyin Falola: Extraordinary Professor, Free State Centre for Human Rights

11:30-13:00

Forum Shopping in Legal Pluralistic Contexts and the Transformation of Indigenous Family Laws in South Africa

Gerald Mandisodza
University of the Western Cape, South Africa.

Analysis of Sexual Abuse Experience by Women and the Role of Custom in Addressing the Challenge with a Focus on Domestic Violence (**ON LINE**)

Dr Adetutu Deborah Aina-Pelemo: Redeemers University Ede, Osun State, Nigeria

The 21st Century Paterfamilias: An African Feminist Perspective on Whether Section 3 (1) (b) of the Recognition of Customary Marriages Act Serves to Perpetuate Colonial Power Dynamics

Maphoko Lerato Ditsela: LLM Candidate, Free State Centre for Human Rights

13:00-13:30

Conference Closing

**Prof Danie Brand: Director, Free
State Centre for Human Rights.**

13:30 – 14:30

**Lunch @ the Foyer
and Networking**