

PROVISIONAL PROGRAMME

(SUBJECT TO AMENDMENT)

27TH ANNUAL FAMILY LAW CONFERENCE MDT / UWC 2024

26 to 28 MARCH 2025 at THE PRESIDENT HOTEL, Alexander Road, Sea Point

CONFERENCE REGISTRATION LINK: <http://www.mdtcinc.co.za/conference/>

Wednesday, 26 March 2025

09h00 Opening – Prof Julia Sloth-Nielsen and Zenobia du Toit

09h10 **The Hon. Lady Justice Baratang Constance Mocumie** (SCA, SA, Hague Convention Liaison Judge) – 1996 Hague Convention on Parental Responsibilities

09h30 **Philippe Lortie** (First Secretary, HCCH) – Hague Conventions (on line)

10h10 **The Hon. Lady Judge Martina Erb-Kluenemann** (Hague Convention Liaison Judge, Germany) - Hague Convention on the International Abduction of Children (on line)

10h40 – 11h00 TEA

PARALLEL SESSIONS COMMENCE

A. HAGUE SESSION

A1. INTERNATIONAL ABDUCTION

- 11h00 **The Hon. Lady Justice Mwamba Chanda** (Family and Children’s Division, Zambia) – Implementing Hague Conventions (TBC)
ALT The Role of the Family Advocate
- 11h20 **The Hon. Lady Justice Fiona Mwale** (Malawi) – The cost implications for joining the Hague for a Non-Hague county like Malawi
- 11h40 **Karolina-Zoi Andriakopoulou** (Greece) – A modern Greek Odyssey: Quantitative and Qualitative Factors affecting the Progress of Hague Abduction cases in Greece
- 12h00 **Hugues Gaston** (Alexandre Boiché & Associates, France) – Article 13 (1) b of the 25 October 1980 Convention: French perspective
- 12h20 **Liuda A. Yablokova** (SKY Lawyers, St Petersburg, Russia) – The Cross-border cases involving children, cooperation between lawyers of the contracting states
- 12h40 Questions
- 13h00 – 14h00 LUNCH
- 14h00 **Adv Narghis Bundhun SC** (Mauritius) – The Mauritius experience on the application of the Hague Convention on International Child Abduction
- 14h20 **Prof Marilyn Freeman** (Co-Director ICFLPP and Principal Research Fellow Westminster Law School, London) & **Prof Nicola Taylor** (University of Otago, New Zealand) – Identity of children, relocation and international child abduction (on line)

A2. INTERCOUNTRY ADOPTION

14h50	Dr Tebogo Mabe (Chief Director, Children's Services, National Department of Social Development) – The Landscape of Intercountry Adoption in South Africa
15h15	The Hon. Mr Justice MacDonald (England) – Domestic Abuse and Art 13(b) – The Abduction Convention (on line)
15h40 – 16h00	TEA
16h00	The Hon. Lady Justice Teresia Mumbua-Matheka (Kenya) [on line] and Ruth Juliet Nyambura Gachanja (Kenya) – Intercountry Adoption in Kenya
16h30	Hilka Hollman (Solicitor, Dawson Cornwall, England) – International Adoption
16h50	Berenice Dufau-Richet (Alexandre Boiché & Associates, France) - International Adoption (convention et non convention's adoptions : French/European perspective)
17h10	Chief Family Advocate Nthabiseng Thokoane (Central Authority, South Africa) – Family Advocate and the Hague
17h30	Questions

IAFL COMPLIMENTARY OPENING DINNER AT THE BUNGALOW RESTAURANT, GLEN COUNTRY CLUB, 3 VICTORIA ROAD, CLIFTON AT 18H30 - CASH BAR

PLEASE NOTE THAT ONLY DELEGATES WHO HAVE RESERVED PLACES AT THE DINNER WILL BE ABLE TO ATTEND.

THIS FUNCTION IS SPONSORED BY THE IAFL

IF YOU HAVE NOT RECEIVED YOUR VOUCHER FOR THIS FUNCTION, PLEASE CHECK WITH INA AT HER TABLE. THERE IS A WAITING LIST FOR THE FUNCTION SO YOU MAY CHECK WITH INA FOR CANCELLATIONS.

**B. HAGUE SESSION
(CLOSED) PARALLEL SESSION**

11h00	PROGRAMME AVAILABLE TO ATTENDEES ONLY
13h00 – 14h00	LUNCH
TO BE ADVISED	TEA

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PLEASE ALL BE SEATED BY 08H45**Thursday, 27 March 2025**

	Welcome and Opening
09h00	The Honourable Chief Justice M M L Maya (Constitutional Court of South Africa), introduced by The Honourable Madam Judge President N P Mabindla-Boqwana (Western Cape)
09h10	The Honourable Chief Justice M M L Maya (Constitutional Court of South Africa)
09h40	The Honourable Deputy Minister of Women, Youth and Persons with Disabilities, Ms Mmapaseka Steve Letsike, MP
10h00	The Dean of the Law Faculty of UWC, Professor Jacques de Ville
10h10 – 10h30	TEA

PARALLEL SESSIONS COMMENCE

ROOMS:- **CONFERENCE 1**
 CONFERENCE 2
 FOREST ROOM

PARALLEL SESSION**A. PARENTAGE, CHILDREN & IDENTITY****Prof Julia Sloth-Nielsen panel: children without parental care**

- 10h30 **The Hon Comm. Anne Musiwa** (Rapporteur for ACERWC: Special Rapporteur for Children Without Parental Care; SRCWPC in Africa; Member of Global Inter Parliamentary Union for Human Trafficking, Member of WG on Orphanage Trafficking) – Children without parental care
- 11h00 **Michelle Oliel** (The Talsky Centre for Human Rights of Women and Children; Michigan State University College of Law) – Care Reform Work
- 11h20 **Prof Nadjma Yassari** (Director, Swiss Institute of Comparative Law, Lausanne and Professor, University Hamburg) - How Parentless Children Are Placed in New Homes in Muslim Jurisdictions
- 11h40 **Dr Tebogo Mabe** (Chief Director, Children’s Services, National Department of Social Development)
- 12h00 **Aminul Islam** (UNICEF’s Global Technical Lead on Care Reform, New York) – Care Reform (on line)
- 12h20 **Leana Goosen** (Chief Director: Social Welfare and Restorative Services, Department of Social Welfare, Western Cape Government)
- 12h40 Questions
- 12h50 – 13h50 Lunch
- 13h50 **Laurence Bordier** (Child Identity Protection, Geneva) –
- Preserving “family relations”: An essential feature of the child’s right to identity
 - Leveraging birth and marriage registration to prevent child marriage:- findings from a desk review of laws and policies in eleven countries in West and Central Africa
- 14h10 **Ellen Alem** (UNICEF Gender Programme Specialist, HQ, Kenya) – Ending Child Marriage (on line)
- 14h30 **Margaret Casey**, KC (Mills Lane Chambers, New Zealand, IAFL Parentage Committee) – Parentage
- 14h50 **Dr Claire Fenton-Glynn** (Professor at Law, Monash University Australia) – Children’s rights – private law and parentage
- 15h10 **Dr Dafni Lima** (Asst Prof Durham Law School, UK) - Multiple Parenthood
- 15h30 – 15h50 TEA
- 15h50 **Dr Marco Poli** (Postdoc, University of Turin, Italy & University of Antwerp, Belgium) – Joint Custodies: Shared Parenting in Italy, Belgium, and England & Wales
- 16h10 **Mavis Amonoo-Acquah** (Harcourt Chambers, England and Wales) – Parentage in relation to ART, surrogacy and recognition of international adoption in England and Wales.
- 16h30 **Dr Robert A Simon** (forensic psychologist, USA) – Parent child contact problems, use and misuse of experts (including ethics for experts)
- 16h50 **Prof Olga A Khazova** (Russia/Israel) – Identity, Family Relations and the UNCRC approach (on line)
- 17h10 Questions & Discussion

DINNER IS AT THE BELTHAZAR RESTAURANT, SHOP 153, 19 BREAKWATER BOULEVARD, V&A WATERFRONT AT 19H00. CASH BAR.

THE DINNER IS PRICED AT R600 PER PERSON. IF YOU HAVE NOT RECEIVED YOUR ENTRY VOUCHER, PLEASE CHECK WITH INA AT HER TABLE

Thursday, 27 March 2025**PARALLEL SESSION****B. PROPRIETARY CLAIMS**

10h30 – 13h00 Chair:- SA Lawyer [TBC] - PANEL SESSION

Stephen Baker (Baker and Partners, St Helier, Jersey) – Proprietary claims, Trusts & Asset Recovery

Marcus Dearle (Solicitor, Miles Preston, London) – Asset protection and recovery strategies in divorce and trust cases, and the need for international nuptial agreements and the final lessons of the Sir Frederick Barclay case: [Barclay v Barclay \[2022\] EWHC 2026](#) and [\[2023\] EWFC 164](#)

Suzanne Todd (Partner, Withers, London & President Elect Designate of IAFL) – Trusts and Divorce

Stephen Page (Page Provan, Australia) – Property Claims in Australia

Elise Loukas (Loukas Law Firm, Boston, USA)

Questions

13h00 – 13h50 LUNCH

13h50 – 14h20 **COMPARATIVE SESSION:-**

William Longrigg (Charles Russell Speechlys; IAFL, London) and **Jaqueline Julyan SC** (Counsel, SA, 5SAH Chambers, England & Wales) – Update on property issues in England, with a comparative perspective from South Africa

PROPRIETARY CLAIMS

14h20 **Prof Julia Sloth-Nielsen** – De Facto partnerships and a single marriage statute

14h40 DHA Green Paper: Marriage & Cohabitation

- **Modhiehi Mofokeng** [TBC]

- **Diketso D. Ratau** [TBC]

15h00 **Prof Wesahl Domingo** (SALRC) – A single marriage statute

15h20 **Prof Nicholas Hopkins** (England & Wales Law Commission Report; University of Reading) – The current project on reforming financial remedies in cases of divorce

15h40 **Prof Claire Fenton-Glynn** (Monash University Australia) – Domestic Partnerships in Australia

15h40 – 16h00 TEA

16h00 **Prof Muneer Abduroaf** (UWC)– Muslim Rights & Recent Developments

16h20 **Madeleine Mendy**, UAE – Divorces & Custody issues in Dubai & Abu Dhabi

16h40 **Prof Helen Kruuse** (Rhodes University) and **Prof Lea Mwambene** (UWC) – Joint presentation – Beyond the Legal Debates: An African Legal Feminist Response to support victims of Ukuthwala in South Africa

17h10 Questions & Discussion

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Thursday, 27 March 2025**C. PARALLEL SESSION**

- 10h30 **Prof Donrich Willem Thaldar** (UKZN) – Generic testing of gamete donors
- 11h00 **Dr Zaina Mahmoud** (Lecturer in Law, University of Liverpool; Co-Investigator Children’s Voices in Surrogacy Law) – Children’s Voices in Surrogacy Law [speak on 27/3/25]
- 11h30 Questions
- 11h50 **Rachel Sloth-Nielsen** (Oxford doctoral student) – The emergence of the child’s right to preservation of cultural identity
- 12h10 **The Hon. Retired Judge Belinda van Heerden** (SCA) & **Prof Brigitte Clark** (UKZN) – The Constitutionality of the *dum casta* clause
- 12h40 **Prof Clement Marumoagae** (Wits University) – Pensions & the Two Pot System
- 12h50 Questions
- 13h00 – 14h00 LUNCH
- 14h00 **The Hon. Justice Daniel Thulare** (High Court, Western Cape) – Recent Developments SALRC Issue Paper and Developments re: maintenance
- 14h20 Questions
- 14h30 **Adv Stuart Humphrey** (KZN) – Rule 43(6) and the meaning of material change in circumstances in light of the Constitutional Court judgment in SvS
- 14h50 **Prof Helen Kruuse** (Rhodes University) – Update on the SALRC MPA report
- 15h20 Questions
- 15h40 – 16h00 TEA
- 16h00 **Liuda A. Yablokova** (SKY Lawyers, St Petersburg, Russia) – Proprietary claims in Russia

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Friday, 28 March 2025

- 09h00 **The Hon. Justice Steven Arnold Majiedt** (Constitutional Court, South Africa) - The Essence of Ad Hoc Central Authority for the Republic of SA and Another v Koch N.O – Fulfilling the Objectives of the Hague Convention.
- 09h30 **The Hon Lady Justice Halcyon Yorke-Young** (Trinidad & Tobago) – Domestic Violence: A Judicial Perspective on Intervention and Support
- 09h50 Questions

PARALLEL SESSIONS COMMENCE

ROOMS: CONFERENCE 1
CONFERENCE 2
FOREST ROOM

PARALLEL SESSION**A. CHILDREN AND FAMILIES**

- 10h00 **The Hon. Lady Justice Fiona Mwale** (Malawi) – Malawi Divorce and the debate whether no fault divorce is the way forward
- 10h20 **Prof / Dr Elvis Fokala** (Programme Manager: Child’s Right Unit, Centre for Human Rights, University of Pretoria) – The changing face of voidable marriages in Africa
- 10h40 **Samuel Munywiny** (Kenya) – The Intersection between criminal cases involving children and family law issues based on the case law documented in the Kenya Reports and **Ms. Patricia Mundia** (Advocate, High Court Kenya, member NCAJ Standing Committee on the Administration of Justice for Children in Kenya, IAFL)
- 11h10 – 11h30 TEA
- 11h30 **Ruth Juliet Nyambura Gachanja** (Kenya) – Access to justice for children in conflict with the law in Kenya: The maandamano effect
- 11h50 **Karabo Ozah** (Centre for Child Law, Pretoria) – Legal representation of children
- 12h10 **Diahann Gordon-Harrison** (Jamaica, National Rapporteur on Trafficking Persons; Children’s Advocate, Executive Councillor - ISPCAN) – Access to Justice for Children – the Jamaican Model
- 12h40 Questions
- 13h00 – 14h00 LUNCH
- 14h00 **Jens M. Scherpe** (Aalborg University, Denmark and UWC) – Is there a “European Family law”?
- 14h20 **Adv Pat Moodley** (Retired Provincial Head KZN Department of Justice and Constitutional Development; Consultant) – Some considerations on AI in Family Law
- 14h40 **Bronwyn Pithey** (Women’s Legal Centre, Cape Town) – Insights into the Developments of the Domestic Violence and Sexual Offences Acts
- 15h00 **Barbara Connolly, KC** (London) – Violence against women and girls
- 15h20 – 15h40 TEA
- 15h40 **Shamla Pather** (Shamla Pather Attorneys, Umhlanga Rocks, KZN) – Parties to Family Law Matters – conduct, coercive control & financial abuse
- 16h00 – 16h20 Questions
- 16h20 **JOINT SESSION**
- Rachael Kelsey** (SKO Family Law, Scotland, President IAFL) – Developments in Family Law Matters
- Closure: Prof Julia Sloth-Nielsen and Zenobia du Toit

PARALLEL SESSION**B. ART**

- 10h00 **Undiga Emuekpere** (Ôka'mara Law, Nigeria) – Surrogacy
- 10h20 **The Hon Millie Grace Odhiambo** (MP, Kenya) – Bill on Surrogacy before National Assembly, Kenya
- 10h40 **Stephen Page** (Page Provan, Australia) - ART
- 11h10 Questions
- 11h20 – 11h40 TEA
- 11h40 **Meryl Rosenberg** (Potomac, MD, USA) - ART
- 12h00 **Assoc. Prof Bonolo Ramadi Dinokopila** (University of Free State and Botswana)
- 12h20 **Adv Shirin Ebrahim** (Principal Family Advocate, Western Cape) - The Family Advocate & Surrogacy
- 12h40 **Adv Morgan Courtenay** - Whose Embryo Is It Anyway? A South African Perspective of Ownership and Transferability
- 13h00 – 14h00 LUNCH
- 14h00 **Hilka Hollman** (Dawson Cornwall, England and Wales) – Surrogacy and Private Law in England
- 14h20 **Jemma Dally** (Goodman Ray Solicitors, London)
- 14h40 – 15h20 Discussion & Questions
- 15h20 – 16h00 TEA
- 16h20 **JOINT SESSION**
- Rachael Kelsey** (SKO Family Law, Scotland, President IAFL) – Developments in Family Law Matters
- Closure: Prof Julia Sloth-Nielsen and Zenobia du Toit

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PARALLEL SESSION**C. ADR**

- 10h00 **Margaret O Akpoyoware** (Principal Partner, Nero's Practice, Barrister & Solicitor; Notary Public; Certified Mediator, Nigeria) – ADR (online)
- 10h20 **The Honourable Ms Justice Nuala Jackson** (Judge of the High Court of Ireland, ACEDR trained mediator) (on line)
- 10h40 **Prof Debbie Collier-Reed** (University of Western Cape) – Project 94 Discussion Paper on a Generic Mediation Act for South Africa
- 11h00 – 11h20 TEA
- 11h20 **Dr Robert A Simon** (forensic psychologist, USA) – Iatrogenesis in family law practice
- 11h40 **Adriana de Ruiter** (Tulp Abogados, Spain, ASIME) – Gender violence and mediation – the Spanish system
- 12h00 **Suzanne Kingston** (Solicitor, Penningtons, London; IAFL; Mediator/Arbitrator (IFLA) – Evolution of mediation and dealing with high conflict
- 12h20 **Craig Schneider** (lawyer and mediator, South Africa) – You, the participant in mediation
- 12h40 Questions
- 13h00 – 14h00 LUNCH
- 14h00 **Chair:- Prof Leentjie de Jong**, (mediator)
- Colin Geoffreys** (Attorney/mediator, Cape Town) - The Recognition of Dual Marriages and the Legal Challenges and the Role of ADR
- 14h20 **Dr Astrid Martalas** (psychologist, mediator and PC, South Africa) – Child participation in ADR procedures with specific reference to PC and mediation
- 14h40 **Wendy van der Stroom-Willemsen** (SmeetsGijbels – Rotterdam and Amsterdam) – Solo Parallel Parenthood in the NL & Belgium
- 15h00 – 15h20 TEA
- 15h20 **Marjolijn Schram** (Gezinsadvocaat, Netherlands) – The Gezinsadvocaat in the Netherlands
- 15h40 – 16h00 Questions
- 16h20 **JOINT SESSION**
- Rachael Kelsey** (SKO Family Law, Scotland, President IAFL) – Developments in Family Law Matters
- Closure: Prof Julia Sloth-Nielsen and Zenobia du Toit

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