Thursday 4\textsuperscript{TH} April 2019

07h45 – 08h50 Registration

PLEASE BE SEATED BY 08H50

09h00 – 09h10 Opening and Welcome: \textit{Dedication to Sir Peter Singer} (our good friend and mentor) \textit{and to Nick Crichton}

09h10 – 10h00 Hague Conventions
\textbf{Philippe Lortie & Laura Martinez-Mora} (HCCH, the Hague) (also with reference to Art 13(1)(b) defences and the guide to good practice)

\textbf{Commissioner Matlhodi Angelina Makwetla} (SAHRC) – "The Role of Human Rights Commissions in furthering Children's Rights"

10h00 – 11h00 \textbf{Stephen Baker} (Jersey) - "Trust and assets in the international arena"

\textbf{Advocate Brian Pincus SC} (Cape Bar) - Trust and assets in South Africa

Questions

11h00 – 11h20 TEA

BREAKAWAY SESSION A

11h20 (Room A) ART (session 1)
Chair: \textbf{Barbara Connolly QC} (London and Chair IBA Family Law Committee)

\textbf{Professor Amrita Pande} (Department of Sociology, University of Cape Town) – "International surrogacy laws: The domino effects of cross border surrogacy bans"

\textbf{Laura Martinez-Mora} (HCCH, the Hague)

\textbf{Samantha Lewis} (Miller du Toit Cloete Inc) – "A view of developments in South Africa"

\textbf{Margaret Swain} (AAARTA, USA) - ART and revisiting the HHP judgment

13h00 – 14h00 LUNCH
Rahima Nato-Kalfane (Attorney, BWG Associates, Paris, France) – "Legal Parentage of a child born by a surrogate mother: the French case law and first request on an advisory opinion by a contracting state to the ECTHR submitted by France on 5 October 2018"

Questions

14h35 – 15h40  
**Session dedicated to the memory of Sir Peter Singer**

Gender issues  
Chair: Barbara Connolly, QC (London and Chair IBA Family Law Committee)

Advocate Pathmavathi Moodley – "A total shutdown – a picture of femicide in South Africa"

Karabo Ozah (Deputy Director: Centre for Child Law University of Pretoria) - Child marriage

Questions

15h40 – 16h00  
**TEA**

16h00 – 16h40  
Chair:– Rachael Kelsey (IAFL, attorney, Scotland)

Research and policy relating to children’s interests: the International perspectives:-
- Professor Marilyn Freeman (Westminster Law School, London)
- Associate Professor Nicola Taylor (University of Otago Law Faculty, Children’s Issues Centre, New Zealand)

16h40 – 17h30  
Professor Julia Sloth-Nielsen (UWC) – "The Children's Act and the Child Justice Bill – amendments"

Questions

**BREAKAWAY SESSION B**

11h20 (Room B)  
ADR  
Chair:- Susan Abro (Attorney, Durban)

11h20 – 11h50  
Ananda Louw (SALRC) – "The Law Commission’s discussion paper an ADR in family law matters"

11h50 – 12h20  
Elizabeth M Picker (Barrister, Australia) – "Arbitration in Australian Family Law System; mediation, arbitration, FDRP's – Ethics?"

12h20 – 13h00  
Marici Corneli (Mediator, Family Assist) – "Child focused mediation when compiling a parenting plan and the Family Advocate's requests with child participation (voice of the child)"

Alison Shalaby (Reunite, London) – Mediation in Hague matters
Mediation, arbitration, parenting coordination, children's voices, difficult matters and parties, court acceptance of ADR processes and legislative amendments update:

Chair: Astrid Martalas

- Craig Schneider (Craig Schneider & Associates)
- Zenobia du Toit (Miller du Toit Cloete Inc)
- John O’Leary
- Martin Yodaiken
- Suzanne Kingston (London, UK)
- Esna Bruwer (Morgenzon Practice)

Questions

13h00 – 14h00  LUNCH
14h00 – 15h40  ADR session continued
15h40 – 16h00  TEA
16h00 – 17h30  Developing Law and practical issues for practitioners

Advocate Julia Anderssen (Cape Bar) – "Exclusion of personal maintenance in ANCs"

Advocate Narghis Bundhun (Advocate, Mauritius)

Procedure, discovery and submissions to the SA Law Commission

IT and courts

Cohabitation and universal partnerships – is reform crucial?

Questions

19h30  Pre-booked OPTIONAL DINNER at NV 80 (above Checkers in Regent Road, Sea Point) (cash bar)
Dress code: casual
**Friday 5th April 2019**

08h00 – 08h30  Registrations

08h30 – 08h50  The elderly
   Chair:- **Beverley Clark** (Attorney, Johannesburg)
   **Barbara Connolly QC** (London and Chair IBA Family Law Committee) - "Issues of protection of the elderly and vulnerable includes welfare, incapacity, prosperity and POA"

08h50 – 09h20  **Kantha Padayachee** (SALRC) - SALRC issue paper on matrimonial property

09h20 – 09h40  **Katharina Boele-Woelki** – "The Principles of European family law regarding property, maintenance and succession rights of couples in *de facto* Unions"

09h40 – 11h40  Muslim marriages and intestate succession updates
   Chair:- **Yumna Mookrey** (Attorney, Miller du Toit Cloete Inc)
   **Fareed Moosa** (UWC) – "Recent CC case on intestate succession and MPL"
   Muslim marriages and in particular the WCL judgment:
   - **Advocate Nazreen Bawa** (Cape Bar)
   - **Advocate Stuart Humphrey** (Durban Bar)

10h40 – 11h00  **TEA**

11h00 – 11h40  **Hassan Elhais** (Dubai) – "Spouses' financial rights under Islamic principles and UAE laws"

Questions

11h40 – 13h00  Customary marriages update
   - **Dr Anthony Diala** (Senior lecturer, Department of Private Law UWC) – "Legal pluralistic interfaces in the development of customary family laws in Nigeria"
   - **Professor Elena Moore** (Associate Professor, Department of Sociology, UCT) – "Harmful cultural practices and inter-generational consent: challenging the notion of binary from a legal pluralism perspective"
   - **Dr Nkanyiso Sibanda** (Department of Private Law, UWC) – "The practice of and the significance of lobola: revisiting the HHP judgment"
   - **Professor Lea Mwambene** (Associate Professor, Department of Private Law, UWC) – "Access to Justice: Gender and Ukuthwale"

Questions
13h00 – 14h00  LUNCH

14h00 – 16h20  Children (continued)

Leslie Kaufman (CA, Israel) – "Habitual residence and the unborn child in Hague Child Abduction Convention proceedings – i.e. a child who is born in a country other than that of a planned habitual residence as a result of the mother leaving when she is pregnant"

Dr Sonia Vohito (The African Project Co-ordinator) – "The YG case and worldwide progress"

Makiko Mizuuchi (Mimosa International Law Office, Japan) – "The Hague Convention – the Japanese experience"

Alan Wright (Attorney, Bowman Gilfillan, Cape Town) - Children and the media

Advocate Mary O’ Gorman - Draft rules for The Children’s Court

Violet Odala (African Child Forum, Ethiopia)

Adelaide Benneh Prempeh (Accra) - Legislative reform in child and family law in Ghana

"The best interests of the child in divorce proceedings: A critical evaluation of the law and practice in Ghana" - Edmund Foley (Ghana) (Unable to attend but has submitted a paper)

Questions

15h30 – 15h50  TEA

16h20 – 17h00  Nancy Zalusky Berg (Attorney, USA) – "Global implications at the end of the road: anticipating, recognising and dealing with international legal issues in family law"

17h00  Closing

Cocktail at the venue
Sponsored by 5 SAH Chambers, London