



INITIATIVE FOR STRATEGIC  
LITIGATION IN AFRICA

# **WOMEN'S LAND AND PROPERTY RIGHTS EXPERT ADVISORY MEETING: COHABITATION TO LAND AND PROPERTY ON THE CONTINENT**

ISLA BOARDROOM  
17-18 MAY 2019

## **Expert Bios**

## EXPERT BIOS



Professor Elsje Bonthuys is a professor of law at Wits University's School of Law. She joined the Law School as a lecturer in 1999 and was appointed professor of law in 2007. Before joining Wits University, she held a lecturing post at the University of Stellenbosch and practised as a member of the Cape Bar. Prof. Bonthuys teaches the Law of Contract, Family Law and Gender and the Law and carries out research in the areas of Family Law and Gender and the Law. Prof. Bonthuys is a widely published scholar.

Her works have appeared in several peer reviewed journals and she is the co-author of a number of books and has contributed several chapters in edited books. Her research includes work on women judges in South Africa, feminist rewrites of South African judgments, the regulation of sex work, the rights of the child, the interaction between race and gender in family law and she has researched and written extensively on intimate partnerships of all kinds – civil marriage, customary marriage, religious marriage, same-sex unions, and cohabitation.

Most recently, Prof. Bonthuys has published an article in two parts, '*A Duty of Support for All South African Unmarried Intimate Partners Part I: The Limits of the Cohabitation and Marriage Based Models*' and '*A Duty of Support for All South African Unmarried Intimate Partners Part 2: Developing Customary and Common Law and Circumventing the Volks Judgment*', in which she questions whether South African courts' trajectory of developing the duty of support adequately, to monogamous-marriage-like relationships, responds to the needs and situations of the majority of people, who are African and often economically disadvantaged, who are in long-term intimate relationships that do not mimic monogamous-marriage-like-relationships; and she explores the space offered by customary law and common law to extend rights to intimate partners who do not cohabit or cohabiting persons who are not in intimate relationships.

## EXPERT BIOS



The Honourable Dora Kanabahita Byamukama is a seasoned politician, and advocate of the High Court of Uganda. She has more than 25 years experience as an accomplished legislator – both nationally, in Uganda and regionally, in the East African Community.

As a legislator she has undertaken research, drafted legislation, provided technical expertise and advocated for the enactment and implementation of laws addressing: the rights of persons with disabilities; equal opportunities and employment rights; prevention of trafficking in persons; prohibition of female genital mutilation; prevention of domestic violence; access to justice; property rights, economic rights, reproductive health rights and the promotion of equal rights to participate in politics.

Ms. Byamukama has contributed to and lead advocacy for the enactment of legislation that fosters jurisprudence that eliminates discrimination against women and girls, in Uganda and she is currently, engaged in advocacy for women’s rights, at the national and regional level. In particular, she is currently advocating for equal rights for women in marriage and for the regulation of cohabitation in Uganda.

As founder and director of LAW-Uganda, Ms. Byamukama spearheaded and secured victory in a case which resulted in the in the Constitutional Court of Uganda declaring sections of the Divorce Act, Succession Act and Penal Code Act, which criminalised adultery; unconstitutional, on the basis that it discriminated against women.

## EXPERT BIOS



Charlene May is a South African attorney who has spent more than ten years practicing in the area of public interest litigation with a specific focus on access to socio-economic rights realization. She has experience litigating the right to custom for women in the instance where their rights to housing, land and property rights were tied to their marriages which took place in accordance with customary law.

Additionally, Ms. May has been involved in a number of cases dealing with the right to land and housing; representing communities facing eviction as well as land restitution for communities that lost their land as a result of forced removals during apartheid. She has also assisted in developing gendered rights-based arguments to promote women's rights to housing.

She has engaged in advocacy for the right to work and to choose one's own profession, on behalf of community health care workers and sex workers. She has provided legal advice and opinions to national human rights bodies and trade unions.

She has contributed to submissions to the UN Committee on Economic Social Cultural Rights on conditions of work, and to the UN Special Rapporteur on Poverty on women's care work. She has also participated in preparing a number of reports for UN treaty bodies and the African Commission on the rights of women and transgender women; in particular, lack of access to health care and safety and security.

## EXPERT BIOS



Shane Gloria Musanase Mugenga is an advocate of the High Court of Uganda and a Founding Partner at Apio, Byabazaire, Musanase & Company Advocates, a women-only-law firm founded by three phenomenal and exceptional women. Ms. Musanase has more than ten years of experience as a legal practitioner and is the head of the Corporate Law and Family Functions of the firm.

She practices in the area of corporate law, ably supporting several companies and persons to, amongst others, structure their businesses through transaction advisory, corporate restructuring, setting up governance and compliance checks and reporting, and in the area of family law, acting for individual clients as well as educating members of her local community on issues of family law, including marriage, divorce, separation, custody, and wills and estate planning and administration.

Ms. Musanase holds an LLB from Makerere University, a Post Graduate Diploma in Legal Practice from the Law Development Centre, Kampala, an LLM in International Corporate Governance and Financial Regulation from the University of Warwick in the UK. In addition, she is an accredited mediator having obtained a certificate from the California State Bar in partnership with the Intellectual Property Rights Initiative, Kampala and a Certificate in Executive Education under 'The Effective Director' Executive Program from Strathmore Business School.

Ms. Musanase also sits as a company secretary/director of three Boards and is part of the leadership team of the Marriage Ministry at her church in Kampala.

## EXPERT BIOS



With roots in South Asia and the US Midwest, Kamardip Singh is passionate about connecting local grassroots movements across the world, exchanging strategies and tactics for sustainable social change. She focuses on transnational feminist and anti-racist organizing, working to organize young feminists and lawyers globally on healing practices and trauma-informed approaches for survivors of gender-based violence. At the International Action Network for Gender Equity & Law (IANGEL), Kamardip expanded the network of lawyers acting as pro bono “legal movement support” to feminist organizing across the world. As the Feminist Resource Mobilisation Coordinator at the Association for Women’s Rights in Development (AWID), she co-spearhead a working group on intersectional feminist practices within organizational development.

She continues to work with feminist lawyers across the world to develop restorative justice and feminist lawyering approaches towards gender-based violence. Kamardip also facilitates the Bay Area chapter of the global Sanksaari Girls Network, a group highlighting the work of South Asian thinkers and a central hub for organizing local South Asian feminists.

In addition to gender-based violence expertise, Kamardip, holds expertise on Asian girl's education, LGBTIQ+ rights, religious fundamentalism and has through her fellowship at Chaitanya India Financial Credit Pvt. Ltd. gained experience on the impact and use of loans by female borrowers and discovered trends relating to female marriage and education.

## EXPERT BIOS



Judy Thongori is the founding partner of the Kenyan firm, Judy Thongori & Company Advocates. Before establishing her own firm, Ms Thongori practised at Lee Muthoga & Associates and worked in the office of the Attorney General, Kenya. Ms Thongori has over 20 years of practice as a lawyer in Family Law Practice and public interest litigation, in which she has litigated extensively on children's matters, matrimonial proceedings, and succession and probate matters. Ms Thongori has worked closely with the Kenyan Judiciary on family law matters and was a member of the committee responsible for the establishment of the courts' Family Division. Ms Thongori is one of the drafters of the 2013 Kenyan Marriage Bill that consolidated various laws governing religious, customary, and civil marriages and divorces in the country. After the Bill was drafted she urged parliamentarians to make amendments to the Marriage Bill to make divorce easier, to provide for pre and post-nuptial agreements and for the recognition of marriage by cohabitation. She is a member of the Women Waging Peace Network (a Women Peacemaker) and in 2015, Ms Thongori was chosen, by Inclusive Security as one of 17 women who are changing the world. Labelled "The Champion", Ms Thongori believes that peace and justice start at the family level. She has seen how societal expectations and domestic roles can affect access to justice, economic empowerment, and political participation, particularly for women and by litigating cases, empowering women, and building awareness in the police forces, she's mobilizing an army of champions who will transform Kenyan society from the microcosm of the family on up. She is known in Kenya as "[a] fierce advocate, defending women against discriminatory inheritance and divorce laws." and she is also known for successfully suing the Kenyan Government for failing to meet a constitutionally-mandated 30% quota for women's political participation in *The Principle of Gender Representation in the National Assembly and the Senate* [2012]eKLR.