Oñati Socio-Legal Series (ISSN: 2079-5971)
Oñati International Institute for the Sociology of Law
Avenida Universidad, 8 – Apdo. 28
20560 Oñati – Gipuzkoa – Spain
Tel. (+34) 943 783064 / opo@iisj.net / https://opo.iisj.net

Decolonising Judicial Education: Engaging Customary Laws in Gender Equality Discourse

OÑATI SOCIO-LEGAL SERIES VOLUME 15, ISSUE 6 (2025), 1970-2000: GENDER IN CUSTOMARY AND INDIGENOUS LAW AND PROCEEDINGS
DOI LINK: HTTPS://DOI.ORG/10.35295/OSLS.IISL.1964
RECEIVED 22 MAY 2025, ACCEPTED 20 NOVEMBER 2025, VERSION OF RECORD PUBLISHED 1 DECEMBER 2025

MAUREEN OWOR-MAPP*

Abstract

There is significant research on how judges in Africa are trained to approach gender equality, but relatively little discussion on how this model perpetuates cognitive coloniality in its portrayal of cultural perspectives on gender. This paper argues that the human rights paradigm through which judges are taught embeds a universalised, colonial construction of gender and customary law. The findings show that the training texts on gender equality, language of instruction and the judicial doctrine of independence discourage pluralist dialogue with African (*Ubuntu*) ontological and epistemological traditions. This distorts judicial interpretation of women's engagement with and agency in shaping customary laws and disincentivises judicial learning about cultural understandings of equality. Using Uganda as an exemplar, the paper proposes an *Ubuntu* inspired pedagogy underpinned by decolonial thought to delink acquired knowledge and bring epistemic diversity to judicial education on gender equality.

Key words

Judicial education; gender equality; customary laws; decoloniality; *Ubuntu*

Resumen

Existen numerosas investigaciones sobre cómo se forma a los jueces en África para abordar la igualdad de género, pero relativamente pocos debates sobre cómo su contenido pedagógico perpetúa la colonialidad cognitiva sobre cómo se entrecruzan los atributos de género y culturales. Este artículo sostiene que el paradigma de derechos humanos a través del cual se forma a los jueces incorpora una construcción universalizada y colonial del género y el derecho consuetudinario. Las conclusiones muestran que los textos de formación, el lenguaje utilizado y la doctrina judicial

The author would like to thank the reviewers for their constructive critiques on the paper.
* Maureen Owor-Mapp. University of Birmingham Law School. Email: M.O.Mapp@bham.ac.uk . ORCID ID: https://orcid.org/0000-0002-8953-7095.

desalientan el diálogo pluralista con las tradiciones ontológicas y epistemológicas africanas (*Ubuntu*). Esto distorsiona la comprensión judicial de la experiencia de las mujeres con respecto a las leyes consuetudinarias y cómo estas la configuran, y desincentiva el aprendizaje judicial sobre las concepciones culturales de la igualdad. Utilizando Uganda como ejemplo, el artículo propone una pedagogía inspirada en el *Ubuntu* y sustentada en el pensamiento descolonial para desvincular los conocimientos adquiridos y aportar diversidad epistémica a la educación judicial sobre la igualdad de género.

Palabras clave

Formación judicial; igualdad de género; leyes consuetudinarias; descolonialidad; *Ubuntu*

Table of contents

1. Introduction 1973
1.1. Scholarship on the teaching of gender equality 1973
1.2. *Ubuntu* as a counter to human rights framing 1974
1.3. Decolonial method 1975
2. Colonial contaminations of epistemic knowledge production 1976
2.1. The control of knowledge in the colonial era 1976
3 Uganda and the paradox of pluralist education 1978
3.1. Cultural knowlege in judicial education 1979
3.2. Alternative Justice System (AJS) strategy 1980
3.3. The Euro-American frame of knowledge production 1981
4. Decoloniality as responsiveness to context and judicial practice 1984
4.1. Decolonisation and Decoloniality 1985
4.2. Decoloniality of knowledge 1985
4.3. The utility of *Ubuntu* 1985
5. Gender equality education and *Ubuntu* 1986
5.1. Privileging *Ubuntu* knowledge 1986
5.2. Decolonising the mind through *Ubuntu* inspired pedagogy 1987
5.3. Transformational Andragogy and gender roles in judicial education 1988
6. Concluding thoughts 1988
References 1989
Legislation 1999
List of cases 1999

1. Introduction

Gender education struggles to engage with customary law fuelled by a lack of socio-cultural education (Ocran 2006, 480-481, Owor and Musoke 2014, 284, Fombad 2014, 476-477) and limited training in gender awareness (Masabo 2021, Rukuba-Ngaiza 2021).

The work of the East African Judicial Education committee illustrates this dilemma. Its training brief views custom as a vehicle for bridging the communication gap created by legal terminology using examples drawn from culture and religious scriptures to "liberate the women "(East African Magistrates and Judges Association – EAMJA – 2016, p 4, para j). Details of the pedagogical content are not readily available, but viewing culture as an emancipatory tool implies that living customary laws - the binding unwritten rules, norms, and customary practices that are observed consistently by a people and respond to global and socio-economic changes (Himonga 2011, 35, Diala 2017, 158, Diala and Kangwa 2019, 191), are integral, not inimical to judicial learning. Additionally, reference to a communication gap attributed to legalese, flags what Thiong'o describes as a "cognitive colonisation" of the mind (Thiong'o 1986, 26-30) - an epistemological invasion of the mental universe (Ndlovu-Gatsheni 2020, 1). As a review of the literature now shows, the significance of cognitive colonisation in how customary laws are portrayed in gender training remains relatively neglected in judicial education scholarship.

1.1. Scholarship on teaching gender equality

Most of the academic scholarship looks at how judges in Africa are trained to approach gender including its social construction (Bauer and Dawuni 2016), and the impact of women judges' collective action on a feminist jurisprudence through informal training (Gayoye 2021). Studies in Tanzania, Uganda, and Kenya also point to the ability for gender training to make positive changes in judicial behaviour. Examples are given of judges who apply concepts on equality drawn from human rights law to reject negative cultural norms in instances of girl child marriage, demand for a refund of bride price (*Mifumi v AG* 2007, 2014), and widow inheritance of matrimonial property (*Ebiju v Echodu* 2015). Other examples include the use of equality to criminalise the "cultural rape" of a bride-to-be by her prospective husband (*Uganda v Nokopuet* 2016) and adjudicate gender based sexual violence (Yoon 2016, 103, Masabo 2021, 243-246, Rukuba-Ngaiza 2021, 264-270).

The positionality of African women is defined by customary rules embedded in historical, economic, and social experiences (Twinomuguisha 2011, 452, Dawuni 2022) and in this regard, judges need to be aware about the intersecting factors that women face when seeking justice. These are structural burdens imposed by systems of power (like language barriers); political differences that arise when women sit in communities with opposing political aims; and the difference in narratives that influence how women of colour are represented in images (Crenshaw 1991, 1245-1295). The literature points to how inequalities arising from intersecting factors can lead to multiple exclusions in the court room (and customary justice) settings (Dawuni 2022, 5-7). This is evidenced in the stereotypes and myths in judicial practice about gender roles, abilities and needs of women, which mirror local cultural perceptions about women's behaviour. The

perceived acquiescence in sexual encounters is but one example (Ekirikubinza 2021, 313-315).

There is nothing wrong with reminding judges to consider intersectionality and apply human rights law when evaluating cultural disputes with a gender dimension. After all, the negative cultural practices and processes that limit the rights to equality and freedom from discrimination are well documented (Mujuzi 2020, 99, Mubangizi and Tlale 2023). Plus, there are ways in which customary laws remain gendered in practice (Gayoye 2025). Women are often prevented from owning property (Mubangizi and Tlale 2023), the Podoko women in Cameroon lack a voice in customary gender justice (Diye 2022), and among the Xeer of Somalia, women are represented in clan courts by a male family or clan member (Abdile 2012, 98, 107).

Even so, customary practices change over time to reflect how women navigate the "living" customary rules (Kamau 2014, 31-32, Tamale 2020) or choose when to use the formal law to purse their customary claims (Mnisi-Weeks and Claassens 2009, Mnisi-Weeks 2011). If these changes are not captured, it can lead to important cultural context being left out of the judicial curriculum. This excludes the experiences of the very women whose interests the law should respect.

Some academics have (rightly) called for the need to devise judicial education that draws from the "vernacular" to better reflect localised social contexts when teaching gender, and non-discrimination (Kamau 2023). Kamau, for example, has argued that judges can be supported through judicial training to draw on evolving customary practices that reflect the living customary law. She credits the Jurisprudence of Equality Programme (JEP) run by the Kenya Women Judges Association with offering gender training to judges and magistrates (Kamau 2023, 175). Notably the JEP is focused on applying international women's rights laws to enhance access to justice (Gayoye 2021, 3).

Suggestions to greater engagement with the social context in gender training is much welcomed. What is lacking though is a critical interrogation of the human rights framing of equality as it relates to gender and customary laws, and the implications of this framing for judicial ontological and epistemic knowledge.

1.2. Ubuntu as a counter to human rights framing

The assumption that human rights is the optimal frame for the teaching of gender equality is problematic because of its inherited Euro American canon perceived as the only valid source of knowledge with which to reflect on and interpret the world. Uncritical acceptance of this 'mono lens' of Western modernity and universality (Escobar 2020, 26) undermines alternative knowledges yet the reality for African judges is that they work within a pluriverse. This is "a world in which many worlds fit"which includes the customary, religious and other social fields (Escobar 2020, 9).

The first dimension of the "pluriversal" is recognition of the open diversity of the human experience (Mbembe 2016). Uganda evidences this diversity. It has over 65 ethnic groups (Constitution 1995, 3rd Schedule) and a range of cultural institutions (kingdoms, chiefdoms and clans) that adjudicate cultural disputes alongside religious courts, local council courts and state courts. Research shows that over 90% of Ugandans (including women) opt to resolve disputes via these cultural institutions (Report on the National

ADR/AJS Summit 2025, 1.3, 5.0, Hague Institute for Innovation of Law – HiiL). This is part of a growing trend on the African continent where people turn to customary systems for justice (Adaba and Boio 2024, Gayoye 2025, 9). In this pluriverse, a judge should be able to appreciate the factors that are at play in the lives of the litigants. As Judge Dambuza reminds us, judicial understanding of core concepts like equality cannot be construed out of context given the challenges presented by social, gender and cultural nuances (Dambuza 2018, 45, 47).

The cultural and gender distinctions referred to by Damuza speaks to the need for adapting alternative narratives about foundational truths to knowledge. This is the second dimension of the pluriversal (Mbembe 2016).

The argument here is that the explicit and implicit affirmations of "true gender equality" are not framed as an issue of compatibility with African epistemology of *Ubuntu* that is relational, communalistic, and intersectional, but one that must conform to the (privileged) Western masculine in constructing the meaning of equality in the abstract (Hassim 2018, Tamale 2020, 215-220).

To dismantle this framing requires a decolonial way of thinking that is inclusive of plural systems of (legal) thought (Adebisi 2021, 440). For our purposes, this means a reimagination of judicial education while drawing on the rich tapestry of *Ubuntu* to allow for epistemic diversity.

1.3. Decolonial method

Decoloniality looks to delink the acquired knowledge and how it is made from its colonial origins through epistemic disobedience (Mignolo 2009). This involves a critique of the pedagogic content and delivery (method) that is both intersectional and Afro feminist. Intersectionality operates as a disobedient epistemology by helping learners decentre dominant practices and narratives and liberate themselves from being part of the systems of oppression of women (Velásquez 2020, 158). To counter "knowledge banking" where learners are passive collectors of information (Freire 2005, 72), Freire's reflection and action (praxis) is used to allow learners to reflection the reasons for taking a course of action and gain contextual awareness, and free their mind (Tamale 2020, 233-234). Tamale's afro feminism (2020) and Ntseane's work (2011) on Afrocentric learning are critical to re-engaging female voices in education practice.

Uganda is chosen for including gender awareness and alternative justice in its judicial education while remaining true to its Euro-American oriented normative framework.

The focus of this paper is on the teaching of "living" customary laws as defined earlier. I adopt Dawuni's conceptualisation of gender as socially constructed ideas, beliefs, and practices of society's expectations regarding women and men (Dawuni 2022, 2). Judicial education refers here to the teaching of substantive law to judicial officials as distinct from judicial training which refers to the instruction on "judgecraft"—court procedure or skills for leadership and judging (Moorhead and Cowan 2007, 316). For brevity, judicial education includes the sub-set of social context education because it is also subject to the rules of interpretation of substantive law. Social context education perceives judging as being grounded in human conditions of society and shows them how to respond to the needs of the community (Dawson 2014, 179, 260). It aims to help

judges reflect on their worldview, interpretation of behaviour, events, and assumptions about groups (Goodman and Louw-Potgieter 2012, 187-188). The term "judge" is used broadly to include all judicial officers at all levels of courts including registrars, magistrates, and judges.

Following this background, the paper examines the context to judicial education and the factors that shape judicial learning. How decoloniality and *Ubuntu* can be deployed to achieve epistemic, ontological and linguistic diversity is considered, before offering an *Ubuntu* inspired training model.

2. Colonial contaminations of epistemic knowledge production

Coloniality remains anchored in the residual patterns of power following colonialism (Quijano 2000, Maldonado-Torres 2007, 243) including in knowledge systems of the judiciary. According to Franz Fanon, coloniality includes conceptual frameworks, yardsticks and institutional practices that were meant to create and reproduce antiblackness/anti-indigeneity, while preventing any meaningful response to it (Fanon 2004). The coloniality of knowledge, in particular, restricts how one might question the ways in which modernity facilitates coloniality in modes of knowing and knowledge production (Quijano 2007, Ndlovu-Gatsheni 2021).

2.1. The control of knowledge in the colonial era

During colonialism circa 1800s to 1900, African colonies had imposed on them a system that eschewed their judicial and epistemological systems (Schmidhauser 1992, 328-331, Jjuuko 2018, 9, Umubyeyi and Moriceau 2023, 2, 7-8). The colonial judiciary comprised mainly white men who applied English Law to non-Africans, and male native chiefs who handled customary law matters that applied only to Africans (Mamdani 1996, Sesay 2021).

The control of knowledge under a "civilising" mission (Adebisi 2016, 437) eroded traditional ways of knowing, learning, and women's power. The "maternal ideology" where mothers and grandmothers were the primary teachers (Oyewumi 2016) were replaced through Western education, texts and literature (Shizha 2010, 119-120), and the European missionary or African convert (Bangura 2005, 25). Similarly, colonial languages of instruction replaced "mother tongues" through which information was passed down in folktales (Ndlovu-Gatsheni 2017, 52-53). This was part of a policy to direct how information was validated and disseminated to the population (Nankindu 2020). The outcome was cultural alienation.

The law itself was underpinned by positivist notions of the centrality of law in statute (Sesay 2021, 37-39), European values and a Cartesian dualism. Here, the individual body was perceived as an object of knowledge, by the reason or subject - "I think, therefore I am" (Grosfoguel 2007, 215) which promoted individual autonomy and egotism (Smith 2012, 62). This contrasted with the reciprocity and interconnectedness (relationality) of the African communal notion of *Ubuntu* - "I am because you are" (Ramose 2002, Tamale 2020, 208-227); the "we" in community (Ikuenobe 2015, 1009), and an equal status-dignity approach with others (Meyerson 2024). The liberal characterisation of a rational individual was accompanied by a rule "rationality" which regulated the public sphere of life while allowing individuals to follow through with their economic self-interest

(Smith 2012 62). It protected "black letter law", market freedoms, private property ownership and interests of corporate capital (Adebisi 2021, 430-431).

In constructing the colonial subject, the ontological and epistemological knowledge of African people and their relationship to other human beings was tribalised, ethnicised, racialised; measured against the universalised European standard for law (Sesay 2021, 34-35, Ndlovu-Gatsheni 2021, 885). The growth of Christianity for example, introduced a notion of salvation underpinned by principles of European morality. Christianity applied a previously unknown concept of universal equality which protected individual rights for an abstract white *male* with no history, desires or needs. This became the universalised standard (Douzinas 2002, 455-456) which excluded women.

2.1.1. Reinterpretation of customary law and the gender question

Customary laws were then manipulated by male clan elders and the colonial state to reinforce traditional forms of authority over women (Chanock 1982, 1989). Although some women in West Africa became native chiefs using their political clout (Chuku 2018, 244-242), this was a rarity. Males were privileged over females who were stripped of chieftainship (Oyewumi 1997, 125-126) and political power (Tamale 2020, 42, 149-150). The Queen Mother of the Buganda Kingdom in Uganda, for example, lost authority over her own court (Hanson 2002, 222-224, 230). Generally, women were subsumed under male control; perceived as lacking in personhood and personality under the English doctrine of coverture (Njogu *et al.* 2023, 197-198). Female agency as healers and mediums in spiritual and ritual spaces was overlooked (Verweijen and Bockhaven 2020, 10), their work "privatised", bodies sexualised; identities like "female husband" marginalised (Tamale 2020, 248-250) and their rights to property denied (Khadiagala 2002). A male primogeniture rule was introduced eroding traditional protective measures for orphans and widows. Following the death of the father/ husband in Zimbabwe for example, the deceased's estate came within the control of the son as the sole heir by law (Stewart 1997a, 62-63). Still, women found ways to actively manipulate the system to express their entitlements and access them (Stewart 1997b, 25, Manji 1999, Tamale 2020, Allman *et al.* 2002). Examples include a veto of administrative decisions, strikes, and rude protests (Amadiume 1987, 164-166).

This sort of resistance by local communities ushered in a new social order where customary law as a normative system existed as law alongside state law and religious law. This was known as legal pluralism (Woodman 2011, Diala and Rautenbach 2024). Here, "judicial" customary law as adjusted by courts operated alongside customary law (Woodman 2011, 24–25, 27) but distorted by judicial precedents, and codifications and restatements of law used by the colonial governments to create customary law (Diala and Kangwa 2019, 192-195). State law prohibited customary practices that were legitimate in the eyes of the community. In *R v Amkeyo* (1917) 7 EALR 14, for example, a Ugandan court rejected the notion of an African marriage because some of its aspects (like the payment of dowry) were perceived to be repugnant to English standards of justice, morality and culture (Ocran 2006, 467-468). The colonial courts were notably more protective of the European standards of morality than women's rights (Gakoye 2025, 9)

Ultimately, the version of customary law that was taught to judges was manipulated including by judicial interpretation, and reliance on old textbooks and precedents (Diala 2019, 14-19). Cognitive coloniality was becoming hard baked in judicial education.

2.1.2. Customary law is "locked in the breast of judges"

At independence, the judiciary inherited the colonial system of their overlords (Umubyeyi and Moriceau 2023, 5). In British colonies, training content covered English law which was perceived as having a common legal "heritage" as that of the colonial power (Paul 1962, 190). This 'black letter' law included doctrines like judicial independence under which a judge operated within the legal framework but free from any political interference (Vyas 1992, 133-138). Judges were legally prohibited from drawing on their own knowledge in deciding cases involving customary law and had to use other means (such as evidential rules) to ascertain it (Allott 1957, 244; 2000, 86).

Uganda was atypical of this set up. In 1961, a year to independence, Uganda's first Law School at Nsamizi, run two courses: one for African judges who administered customary law in the native courts; the other for students pursuing the English Bar exams (Tibihikirra-Kalyegira 2010, 11-12). The aim was to prepare the scholars for a new legal regime that would follow the merger of customary (native) and government court systems (Allen 1965, 148) as the decline of customary law was deemed prescient (Paul 1962, 190). Customary law was taught in "general terms", the reasoning being that it lacked normative coherence and was "locked in the breasts of the Judges" (Allen 1965, 149).

The practice of teaching English law was continued by the Law Development Centre (LDC) that replaced Nsamizi Law School in 1970. LDC run courses for aspiring judicial officers and developed training materials, but these textbooks like that on judicial conduct and practice were written by judges from an English law perspective (Odoki 1990, ii-iv). LDC continued to train judges until this function moved permanently to the judiciary circa the 1990s. At the time, gender equality as a topic of study did not exist (Owor and Musoke 2014) although globally, social context and intersectionality had been introduced as part of judicial training (Armytage 2015, 167). This was part of a concerted effort to gain attitudinal change (Legal Vice Presidency 2003, 28) and address gender bias and cultural insensitivity including through judicial education on equality (Armytage 1995).

A study of Uganda's extant judicial practice reflects the continued exclusion of customary law and subordination of women. This is the focus of the next section.

3 Uganda and the paradox of pluralist education

The Judiciary's gender awareness training programme is broadly in line with the terms of Uganda's Gender Policy (1997) that sets out the government's commitment to eliminating gender inequalities. The aim is to get judges to identify inequalities between men and women and use the law to offer remedial action (Rukuba-Ngaiza 2021, 255). Circa 2005, all newly recruited judges had to complete a course in gender equality as part of their induction run by the Judicial Studies Institute (JSI). Teaching was done mainly via lectures (Wangutusi 2005). The JSI then developed the *Judiciary's Gender Policy and Strategy* (2012), training texts like the *Gender bench book* (2016) and even run a *Gender,*

the Law and Practice as a compulsory module for judges. In 2017, the JSI was re-named the Judicial Training Institute (JTI).

The JTI continues to provide continuous education under section 19 (1) (2) of the Administration of the Judiciary Act 2020. To this end, the JTI's Registrar is responsible for conducting needs surveys, designing curricula, and running training programmes. Judges and external experts serve as course instructors (Rukuba-Ngaiza 2021, 262). The training is both pedagogic and andragogic by nature. Pedagogic in the sense that teaching delivery is done via lectures and seminars. Andragogic because it relies on self-learning and a judge's prior education and experience of law (Appleby *et al.* 2022, 12, 14, Dawson 2015, 181-182), but without assessing the learning. Typically, the content is based on perceived learning needs at the time (Appleby *et al.* 2022, 15). As an example, the JTI has since operationalised Uganda's Gender Mainstreaming Policy (2018) that obligates all public institutions to integrate gender equality into their programmes (Rukuba-Ngaiza 2021, 261-264). In collaboration with UN Women, the JTI has developed a *Gender-based Violence Training Manual* (2022) and, working with the National Association of Women Judges Uganda (NAWJU) adopted a *Training Manual on Gender Responsive Adjudication for Judicial Officers in Uganda* (2021). The modules in the 2021 *Training Manual* cover a range of topics to support gender responsive adjudication from domestic violence to protecting proprietary rights.

While the gender training is comprehensively covered in judicial education programmes, its cultural nuance is lost.

3.1. Cultural knowledge in judicial education

Cultural awareness is a late entrant to judicial education. Unlike its gender awareness counterpart, there is neither a compulsory course on customary laws, nor training manuals. This is surprising given the directive from the African Commission on Human and People's Rights that obliges African states to train judges on economic, social and *cultural* rights as part of a wider duty to promote an understanding of rights, freedoms, duties and obligations in the Banjul Charter (2011, Part II, 8–9). The Commonwealth Latimer principles (2003) specifically mention the teaching of the social context including ethnic and gender issues (para II, 3). Ethnic refers here to the process by which people, including women, construct their identity in their relationships, actions, or status (Shelter 2015, 3-4). The 2017 International Declaration of Judicial training similarly provides for training in the "social context, values and ethics"(para 8). Notably, Uganda's Constitution (1995) protects cultural and customary values which are consistent with fundamental rights and freedoms (National Objective XXIV), and a qualified right to culture (Article 37).

The specific learning content is left to individual judiciaries to determine, but under the Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct (2010), the training of judicial officers should be pluralist in outlook to guarantee the open-mindedness of the judge and the impartiality of the judiciary (Measures for Implementation 2010, para 7.4). Interestingly, although the Judiciary's own Gender Policy recommends that non judicial officials receive training on how gender and the context influence the way people behave and communicate (Gender Policy and Strategy 2012, 28) judges are not mentioned. This despite the imperative for

pluralist training in the Measures for Implementation (2010) that predates the judiciary's Gender policy.

3.2. Alternative Justice System (AJS) Strategy

The judiciary has now reformulated its training agenda to include customary perspectives alongside the common law that judges learn. This move is driven by the recognition that over 90% of Ugandans prefer to resolve disputes via customary justice mechanisms (ADR/AJS Summit 2025, 1.3, 5.0). Specifically, the Alternative Justice System (AJS) strategy (2023) for the judiciary shows a commitment to promoting legal pluralism (para 1.1, note 2), and increasing the capacity of AJS practitioners through continuing judicial education (AJS Strategy 2023, para 5.1).

The AJS strategy is framed within the constitutional context of National Objective XXIV that supports the development of cultural and customary values (AJS 2023 3.1). The rationale is to promote alternative dispute resolution (ADR) via awareness raising as stated in the Judiciary's *Strategic Plan V, FY 2020/21-2024/25* (Strategic Objective 2). Specifically, the ADR policy (2025) aims to equip clan leaders and traditional leaders with the skills to handle court cases to reduce the case backlog (NewVision 2024) and has since received Cabinet approval (Muyobo 2025).

While capacity building under the AJS suggests a cultural exchange between judges and cultural leaders, it lacks detail on how it will draw on the "vernacular" to reflect social contexts including on gender and non-discrimination as suggested by Kamau (2023), or culture as proposed by the East African Judicial Education Committee. Instead, the AJS (like the ADR policy) is constructed as part of a mechanism to manage the case backlog (AJS 2023, 2.1, ADR/AJS Summit 2025, 4.1) which reflects the goals of efficiency in the 2007 training policy and its earlier 2002 iteration (Bashaija 2002, 40, Kakuru 2018). Nonetheless, efficiency is part of judgecraft which is about the training of judges on decision-making skills, case management, and mediation (Wallace 2000, 856-858). Training cultural leaders as part of case backlog management, shows a misalignment with the soft law requirements for teaching cultural rights to judges.

The AJS now resembles its ADR counterpart in reflecting as Maraire calls it a "rebranding" of African customary justice (Maraire 2025, 1-3). This is problematic for as Professor Ngugi cautions, both state-branded and customary AJS are contaminated by patriarchy and can lead to biased outcomes. Ngugi suggests (rightly in my view) that both systems must be engaged with to prevent gender bias, including through pedagogy (2020 as cited in International Commission of Jurists – ICJ – 2020, 18).

Discussions at the first ADR-AJS summit show a desire to borrow from indigenous knowledge systems (ADR/AJS Summit 2025, 1.3, 2.1). Even so, cultural institutions and systems are perceived as entrenching gender inequality, operating without safeguards for fundamental rights, while excluding women from participation in decision-making (ADR/AJS Summit 2025, 1.2, 1.5). Rebranding customary justice as AJS and describing the system as in need of judicial intervention makes judges *appear* to be complicit in altering cultural norms and methods of knowing but without subjecting the AJS training to the validation of cultural processes. While this is not their intention, rebranding is reminiscent of the power and oppression of coloniality that ignores customary methods of knowledge production and women's maternal role in it. To account for the continuing

legacies of colonialism within legal notions of gender equality, the paper turns to the production of judicial knowledge in contemporary times.

3.3. The Euro-American frame of knowledge production

Epistemologically, the discourse of coloniality in judicial education is shaped by two things: a Rule of Law framework that is designed to privilege its European origins (Tamanaha 2004), and a conceptual overrepresentation of the Euro-American order of knowledge- a Northbound gaze (Ramose 2000). The concept attributes truth only to the Western way of knowledge production and treats other epistemic traditions as the "other" (Mbembe 2016, 32-33). As this section shows, othering can take place via written texts and the language of instruction, with implications for judicial learning.

3.3.1. The Rule of Law - normative basis of judicial education

The normative basis of judicial education in Africa is best understood within the context of the Rule of Law (ROL) and economic development movement which began in the 1990s.

The ROL has as its focus the centrality of the judiciary in serving society's needs (Golub 2003, 15, Oberoi 2012, 396-398). This status quo has not changed. The judge is still described in training texts as an agent of social change who holds "power and respect" in the localised communities (Commonwealth *Bench book* 2017, 1.1, 3.4.5).

The ROL paradigm has three components. The ROL itself is perceived as a global unifying principle around which judicial education must coalesce (Wallace 2003, 364). Secondly, the doctrine of judicial independence as set out in the 1994 Victoria Falls Proclamation acts as a safeguard against political indoctrination, allowing the control of judicial education to remain with the judiciary (Armytage 1995, 160-163, Happold 2021). Human rights principles on which gender equality are framed is the third component. Here, gender equality is defined simultaneously in terms of "distinction, exclusion, or restriction on women" - Article 1, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), the right to equal treatment with men in Articles 3, and 8(3) of the African Charter on Human and Peoples' Rights (1981)-the Banjul Charter, and the right to be treated fairly. The Banjul Charter also protects the right to take part in the cultural life of one's community (Article 17(2) and to preserve and strengthen positive African values within a spirit of moral wellbeing of society (Article 29 (7)). Additionally, under Article 17 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) -the Maputo Protocol, women have the right to live in a positive cultural context and to be involved in the determination of cultural policies.

This human rights imperative is a controversial context.

3.3.2. Knowledge reproduction in texts

Typically, training texts take the form of publications developed by members of the judiciary that act as a professional handbook during time constrained decision making. Examples include the *Training Manual on Gender Responsive Adjudication for Judicial Officers in Uganda* (2021), *Judicial Bench Book on Violence Against Women in Commonwealth East Africa* (2017), *Gender Bench Book for Judges Tanzania* (Tanzania Women Judges

Association 2021) and Uganda's *Gender Bench Book* (2016). Although Uganda's *Bench Book* is no longer in use as a core training text (Rukuba-Ngaiza 2021, 264) it gives insight into the normative focus. The text advises that judges should use a creative and pragmatic approach to interpret the law in line with *international* human rights standards on women's rights and gender equality (Uganda *Bench Book* 2016, 3-4,18). Similarly, the *Judicial Bench Book* emphasises that the role of the judge to evaluate customary laws against the "(universally) accepted human rights norms and values"(*Commonwealth* 2017, 1.1).

A universalised understanding of human rights completely ignores the relational nature of social life (Tushnet 1989, 410) and obscures the "pick and mix" approach to legal orders including customary laws that women use in legal pluralism settings (Manji 1999, Tamale 2020, 193). This is significant because the claim that international human rights are applicable to all persons by virtue of their humanity is reminiscent of coloniality where Africans were seen as objects, not subjects of international law (Tamale 2020, 191-193). This makes untenable, essentialist assumptions about the sameness of the position of women worldwide (Claassens and Mnisi 2009, 498, Charlesworth and Chinkin 2022). Worse still, while the Banjul Charter and the Maputo Protocol draw on a positive notion of culture, CEDAW references "culture" in a negative undertone, presenting it as a barrier to achieving true equality for women which states must eliminate (Nyamu-Musembi 2013, 196).

Customary law is treated as a poor cousin to human rights. A human rights framing masks how the Western masculine is privileged in the construction of meaning of equality. Feminists have questioned the "equivalence" embedded in the Aristotelian formula of "treating likes alike "because equality draws from colonial ideals of the white male authority as an abstract autonomous individual (Tamale 2020, 215-220). This ideal assumes a position of equality as solely invested in individuality -where the self is perceived as the centre from and to which all reasoning must begin. Yet, under African humanism of *Ubuntu*, the principle of equality applies to all human beings as part of their birth right, and regardless of status or position (Ramose 2019, 62, 67). The individuality that underpins gender equality then lacks a qualitative, participatory tone that encapsulates African values such as equity, and social justice (Tamale 2020, 205-211). Using the colonial standard of equality to conceptualise customary law can lead to assumptions of a weaker status of women in society (Tamale 2020).

Conceptualising gender within this narrow human rights perspective can lead to a strong focus on solutions that are narrowly framed within constitutional and legislative rules, not customary law norms. When integrated in judicial training texts, it can produce biased knowledge on gender equality.

To illustrate. Ugandan courts have declared as unconstitutional, the denial of the right to exercise proprietary rights to widows who have inherited customary land (*Ebiju* v *Echodu* 2015). *Ebiju* is relied on in the *Gender-Based Violence Training Manual for Judicial Officers* as an example of good law (2021, 5.6). *Ebiju* rejects how customary law denies women access to ownership, occupation or usage of land, but the Manual does not offer appropriate guidance on how judges might interrogate the appropriateness of the legal standard in cultural terms. This might include techniques for enquiring into the conceptualisation of ownership of land by women from a corporate clan perspective as

contrasted with individual ownership within the clan. Then there is the question of how proprietary rights might be conceptualised: within a relational *Ubuntu* sense of equality; joint ownership; or as part of a bundle of rights that allow the owner(s) to make decisions like the transfer, rent, or sale of land? One of the rationales behind clan ownership of land is that children have a home in perpetuity, so how customary security/protections for the children/dependants are guaranteed should the mother/widow sell up is an important question. In short, how to conduct a cultural interrogation of gender equality is missing.

3.3.3. The language of instruction

The language of instruction is virtually immune from a cultural interrogation. Language is part of a cultural, economic and political control: the logic of the colonial system (Thiong'o 1986, 93). This control is extended via a linguistic hierarchy which privileges the colonial language over local languages and by extension the communication and knowledge of the former colonial masters over that of the locals (Grosfoguel 2007, 217).

A linguistic hierarchy exists in judicial education. This is evident in some training texts that view local languages as a barrier to communication for which judges must seek a work around including via translation (*Commonwealth* 2017, 90). When a judge learns about cultural concepts and customary practices/laws in a foreign language, this can affect their ability to understand its meaning and normative justifications. They may then apply a Eurocentric approach to the interpretation and application of customary law instead (Fombad 2014, 476-477) with unjust outcomes. As Yoon's study of the courts in Tanzania shows, a lack of proficiency in the language of the court can mean that women cannot access justice as they are unable to articulate their case (Yoon 2016, 106).

The training texts also document judicial practice where the cultural language used to describe a legal phenomenon has been rejected by a judge. This was the case in *Uganda v Apai Stephen* where the judge dismissed the testimony "…he made me his wife and worked on me" as a legal description of rape. The case is (rightly) cited in the *Training Manual on Gender Responsive Adjudication* (2021, 3.4) as poor judicial practice. The case of *Apai* shows why a hierarchy of languages is problematic especially where the judge lacks awareness of their own culture or does not come from the same community/ethnicity as the litigants. The result is structural intersectionality, where language acts as a barrier to women accessing justice including communicating their experience to the courts.

Retention of the language of instruction of a former colonising power in Africa is attributed to a fear of policy moves that promote the language of a dominant group over minority groups (Laitin and Ramachandran 2022, 4). This might explain why there are no moves to promote any one of the 41 living Ugandan languages (Ethnologue Uganda) as a language of instruction. Neither has Uganda's parliament designated any other language as a medium of instruction in educational institutions despite the permissive terms in Article 6 (3) of the Constitution. Elsewhere, the National Culture policy (2006) also identifies the teaching and speaking of local languages in all educational and *other* institutions as a key intervention area (para 7.2.1). Assuming that the judiciary is covered under "other" institutions, then arguably the JTI is obliged to investigate how it could conduct its training in the local languages. That neither Article 6(3) of the Constitution

nor paragraph 7.2.1 of the Culture Policy are operationalised, appears to affirm the extension of colonial logic via linguistic choices.

To their credit, Ugandan judges have called for the implementation of a judicial policy on the use of African languages in the courts; acknowledging how English language can hamper access to justice (Mapp 2017, 41). It remains to be seen if Ugandan judges will request a similar opening up of the language of judicial instruction to African languages.

3.3.4. Judicial doctrine as a barrier to learning

Like language, judicial independence can act as a disincentive to judicial learning where the pedagogical content is not purely doctrinal but falls within the area of social context.

Research shows that judges can push back on social context content that is perceived to be inimical to judicial independence. Judge Dambuza observes ambivalence among South African judges towards studying customary law which some judges see as an unwarranted indoctrination that aims to implant political correctness. Judges are concerned about the possible manipulation of social context education to suit the judge's own social ends (Dambuza 2018, 41). This is like the experience of India where social context training on gender awareness was resisted because it appeared to infringe the principle of judicial independence (Stewart 2001). In Australia, social context education is viewed as political interference dressed as judicial education (Basten 2015, 159, Appleby *et al.* 2022, 15-16), and in Canada it is perceived as a form of political correctness (Swinton 2019, 42).

It is too early to tell if Ugandan judges will raise the same charges against cultural awareness education. Thus far, Ugandan judges are positive about gender training like their Kenyan (Rukuba-Ngaiza 2021, 270) and Tanzanian counterparts (Masabo 2021, 241-242). Moreover, judges in Uganda and Kenya have requested pedagogical expertise for future training and asked that future Directors of the training institutes have expertise in adult learning (Rukuba-Ngaiza 2021, 780).

That said, judicial views show unhappiness with the adequacy of their training in customary law. Judge Ssekaana of the Uganda High Court, for example, states in their *obiter* remarks that judges remain "too westernized to handle cultural and customary issues" and that both the law and the adjudicator may be unfamiliar with that culture or custom in dispute (*Prosper v Muteweta and Kabaka of Buganda* 2016, 7-8). In *Prosper*, Ssekaana referred the matter back to the Kabaka's (King's) court of Buganda for resolution via traditional methods.

Ssekaana's comments could be taken to mean that the "received" judicial education has remained largely linked to imposed colonial knowledge on customary law; acceptance of a dominant hierarchy of knowledge and judicial thought; or epistemic disobedience. Whichever interpretation one takes, in querying the nature of their training, Ssekaana highlights the need to decolonise the ecologies of knowledge and to redress the harm done when customary laws are rendered invisible.

4. Decoloniality as responsiveness to context and judicial practice

Judicial education in Africa remains on the fringes of decolonial studies (Oberoi 2022) overshadowed by calls for decolonisation of judicial systems (Umubyeyi and Moriceau

2023), cultural heritage (*Katamba v UNRA* 2021, 8) and law (Mosaka 2021). Scholarship by some like Rukuba-Ngaiza (2021), Masabo (2021) and Owor and Musoke (2014) all comment on judicial education, but not specifically on the need to decolonise it. While the paucity of epistemic diversity is rooted in the colonial era (Adebisi 2016, 43), reversing cognitive coloniality is critical if judges are to gain contextual relevance on how customary laws could be used to interrogate gender equality and learn the multidimensionality of women's engagement within it.

4.1. Decolonisation and Decoloniality

Both decolonisation and decoloniality are contested terms (Tuck and Yang 2012), but for the purposes of this paper, decolonisation refers to the political liberation from the colonising system including from its power relations and epistemologies (Modiri 2020). Decolonisation helps unpack pluriversity- the process of knowledge production that is open to epistemic diversity (Mignolo 2009, Mbembe 2016) and engage in "border thinking"that plugs gaps, made possible by imperial power, between the rhetoric of modernity and the logics of coloniality (Mignolo 2007, 497- 499).

By contrast, decoloniality to refers to the process of questioning the histories of power and conceptions of knowledge from the colonial system (Ndlovu-Gatsheni 2015, 488-490, Ogude 2024, 818). A decolonial turn pushes back against the acquired knowledge, its production and its associated linguistic vehicle, and allows for marginalised subjects to contribute to the production of knowledge and thought (Torres 2007, 261- 263, Mignolo 2009). This is the action of thinking and theorising from praxis (Mignolo and Walsh 2018, 9, 17). The paper uses decoloniality to reflect on the received knowledge on women's status in customary laws, how it was made and, importantly, how it might be reframed within an African intellectual paradigm.

4.2. Decoloniality of knowledge

There are a range of debates on what it takes to displace Western knowledge with a truly African education paradigm. Such a framework is provided by academic scholars who have grappled with the question of decolonising African legal education at universities to include customary law perspectives. They include anti racism pedagogy (Sindane 2024), ontological legal pluralism (Fombad 2022), Afro-feminism (Tamale 2020), revisionist pedagogy (Diala 2019), engendering learner agency (Masaka 2019), interdisciplinarity in legal pluralism (Himonga and Diallo 2017), and a critical Freirean approach (Adebisi 2016). Typically, these works follow the 2015 student protests in South Africa, but earlier texts that predate the protests, specifically work by Bangura (2005) and Ntseane (2011), are equally helpful.

4.3. The utility of Ubuntu

The concept of *Ubuntu* has much to offer decolonial pedagogy as a way to privilege African knowledges, while allowing for a reconnection with previous ways of knowing, and foregrounding cross-cultural dialogue (Bangura 2005, 40-44). Equally, decolonising andragogy calls for a shift towards cultural diversity in the construction of knowledge (Arnold *et al.* 2021, 4) which can be attained through Afrocentric transformational learning. Ntseane's work (2011) is key here as it debunks the myth of a single point of truth in the construction and acquisition of knowledge; acknowledges the spiritual

"supra-rationality" as complementary to rationality; and emphasises the liberatory value of knowledge created collectively using collective responsibility. Importantly, the gender role of motherhood is viewed as critical for processing knowledge.

Ubuntu may be criticised for its vagueness- the lack of unique features and its own epistemological criterion of validity (Naude 2019, 26-35). In response, I argue that *Ubuntu* has clear philosophical standpoints on which a pluriversal knowledge can be built- one that seeks to draw on horizontal modes of dialogue (Mbembe 2016, 37). This is illustrated in *Mifumi* where Judge Alice Mpagi-Bahigeine showed a cultural understanding of the customary laws, drawing on her knowledge of Buganda cultural practices in discussing bride price (Dennison 2013, 6-7). In this sense, integrating local knowledge formats and recognising the role of women in creating that knowledge gives centrality to *Ubuntu* as a reference point.

5. Gender equality education and *Ubuntu*

Three adjustments are required for the JTI to deliver gender awareness training that is culturally sensitive and fulfils the requirements of the universal ROL paradigm within which judicial education is framed. One is epistemic (knowledge), the other pedagogic (praxis) and the third andragogic (transformational learning). All three meet the expressed desire for pedagogical and andragogical expertise at the JTI.

5.1. Privileging Ubuntu knowledge

Decentring Eurocentric constructs of gender equality requires a suitable theoretical framework and a conceptual understanding of *Ubuntu*'s philosophical standpoint.

If women's agency is to be liberated from the ideal of female subordination (Nyamu-Musembi 2013) then actualising legal pluralism is the starting point. Himonga and Diallo's proposal to use theoretical frameworks that are closely associated with the concept of living customary law, namely legal pluralism, is instructive (Himonga and Diallo 2017, 11-13). Uganda's AJS proposal to integrate legal pluralism as part of continuous judicial education (2023 1.1) is welcomed but it requires ontological legal pluralism that is facilitated by a pluralistic mindset (Fombad 2022,14). This outlook needs to be open to interdisciplinarity while drawing on perspectives from outside of law like history, philosophy and anthropology (Himonga and Diallo 2017, 13-16, Diala 2019, 23). This will allow for a deeper reflection on the struggles of customary law against the patriarchy, sexism, ethnicity and other repressive colonial logics (Ndlovu-Gatsheni 2021, 896).

Comparative jurisprudence also offers lessons on how courts might challenge ontological logics and repair the damage done by former colonial powers to the status of women in society. One way is to allow a positive living version of customary law to develop in a non-destructive way. In *Bhe v Magistrate of Khayelitsha* (2005) [para 130], the Constitutional Court of South Africa encouraged the spontaneous development of customary law among parties (Himonga 2012, 44, Sibanda and Mosaka 2015, 277-280). In *Ramantele v Mmusi* (2013) the Ngwaketse customary law in Botswana was found to be manoeuvrable enough to allow unmarried sisters to inherit the family homestead to which they had made improvements (Fombad 2014). *Ramantele* best illustrates how a court might avoid superimposing common law principles over the cultural norms. This

is a preferrable approach to that taken in training texts that fail to advise on how courts might look for flexibility or exceptions to the customary rules.

The next step is understanding *Ubuntu* at the conceptual level of humanism, its values, principles and obligations. *Ubuntu* attempts to explain connections and interdependence as humans with community building, responsibility, and sharing as key elements (Ogude 2024). Its underlying values include a relational sense of autonomy (Ikuenobe 2015, Ogude 2024), relational equality (Meyerson 2024), principles like reciprocity and duty to kin (Mutua 1995, 352, 367-371), and ritualistic justice (Owor 2012, 239-241). The *Ubuntu* values of community participation, collective responsibility, and spirituality (Ntseane 2011) are central to this social order.

The East African Judicial Education committee has advised that African culture might be the linchpin to achieving gender equality. This indicates a need to identify in a training module, the philosophical standpoint, and the culture(s) in question-understood here to include people's values, beliefs and knowledge that underpin social action within a community (Ssenyonjo 2007, 50). This process of abstraction can help distinguish an assimilated culture from a living culture, an extant custom from contemporary practice, and identify current customary rules. Applying the value of dignity to equality for example, can help judges appreciate that African women have agency, and a capacity to change things within their settings (Tamale 2020, 233-23, Meyerson 2024, 4). The basis for the interrogation is the constitutional recognition given to culture and customary values, and the enforcement by judges of positive customs and cultures that are not repugnant to natural justice, equity or good conscience under section 15 of the Judicature Act.

The training content should help judges assess the extent to which different communities of women are responding to the equality standard; how women are using the liberatory value of *Ubuntu* and associated customary institutions, to accommodate equality in their customary settings. To do this, judges should be exposed to empirical work about existing customary practice as suggested by Kamau (2023). Examples include studies on the Jopadhola women of Eastern Uganda who have acquired political leadership in clan courts and now adjudicate on disputes with a gender dimension (Owor 2012), and the Baganda women in central Uganda who have (re) gained ownership of their sexuality, autonomy and self-knowledge (Tamale 2008). Educators can also draw on comparative research from countries like South Africa where rural women have borrowed the concept of equal treatment to redefine their land rights in the context of living customary law. The positive aspects of culture are usually evidenced by incremental shifts in value and practice and are always defined (Mnisi-Weeks and Claassens 2009, 50-52, 212-215, Mnisi-Weeks 2011). Judges need to look for those shifts as evidence of how women use their power and agency to create a more egalitarian society for themselves.

5.2. Decolonising the mind through Ubuntu inspired pedagogy

Pedagogically, Freire's reflection and action (praxis) where one is aware of the reasons behind what they are doing (Freire 2005, Velásquez 2020, 1 64, Adebisi 2021, 441) can allow for contextual awareness and a decolonisation of the mind (Tamale 2020, 233-234). Freire's pedagogy offers a method of reflection that uses adult literacy which encourages learners to draw on their experience in the learning process. This can help deepen an

understanding of the positioning of women, their socio-cultural reality, and their ability (power) to transform that reality.

It is important for judicial educators to identity the ways in which judges can gain contextual awareness. Drawing on experiential learning can help judges explore the indigenous laws from an internal point of view. Judges could also work with people in their customary settings through field visits, and role play (Oberoi 2022, 227-228), listening (Dawuni 2022) and storytelling (Tamale 2020, 229-234). That way they re-engage with the community and generate "subjective" epistemic knowledge on the customary rule, custom and ways to resolve a cultural dispute with a gender dimension.

5.3. Transformational Andragogy and gender roles in judicial education

The JTIs andragogical method of self-learning could be improved via transformational learning. What might be helpful is a combination of Oyewumi's maternal ideology (2016) with Ntseane's idea of using the female voice to promote transformational learning through a collective approach to interrogation of gender roles for activities (2011, 319-320). Kenya offers an example for applying the collectivist approach to informal judicial education. Research shows that Kenyan women judges engage in informal education of their male counterparts about sexism, stereotypical gender norms and male bias in judging; they ask the woman question (Gayoye 2021). In Tanzania, women judges are also viewed as agents of judicial education (Yoon 2016).

Importantly, NAWJU and other associations of women judges in Africa offer a conducive framework for collaborative work in drafting training manuals and running seminars. This collaboration could be expanded to offer a more muscular cultural interrogation of gender equality laws as suggested in the previous section. The benefit of this approach is that it can bring about attitudinal change while remaining respectful of the customary laws, values, and identity of those communities.

5.4. Language

A challenge for judicial educators is how to pursue a 'multicultural' literacy through a dominant "mother tongue(s)" of a given region. Converting from legal reasoning in a foreign language (like English) to a mother tongue, can be difficult especially when abstracting black letter law concepts and doctrines in terms of relational outcomes. Yet not doing so can distance judges from their social contexts- what Thiong'o calls "colonial alienation" (1986).

Judicial policy makers should therefore consider putting forward a language of instruction that allows judges to use their own ethnic languages as part of experiential learning and role play. This can dovetail with the proposed use of local languages in court (Mapp 2017). Only by closing the linguistic gap, can judges become the true agents of social change who eliminate intersectional barriers to justice including for women.

6. Concluding thoughts

This paper has shown that while African judicial educational models operate in a pluriversal system that include a range of customs and customary laws, its normative framework and pedagogical content show a paradox. While the training principles promote the teaching of gender and cultural rights in a manner that embraces an

alternative worldview, the texts, language and judicial doctrine risk replicating intersectional inequalities produced by the coercive power of the Euro-American epistemic canon of knowledge, linguistic hierarchy and the ROL normative framework.

What is important is for judicial education to move from being a transferor of coloniality that suppresses the *Ubuntu* ontologies of being and epistemological knowledge, to one that frees judicial knowledge from the ROL strictures of universality. Only by disrupting their knowledge and ways of knowing can judges truly acquire a new way of learning that engages both in a cultural interrogation of gender equality and includes African cultural ideologies, values, and norms in the epistemic conversation.

The implications of decolonial praxis for judicial pedagogy and andragogy are significant. *Ubuntu* principles could be woven into the AJS training modules via a Freirean dialogic approach that allows judges to reflect on their understanding of women's role in developing customary laws and allow for the voices of women and other marginalised and minoritised groups (for example by rurality or disability) to be integral to training. True transformation is achieved when judges begin to question equality as solely invested in individuality rather than being relational, consider concepts like spiritual rationality, and explore whether a more immersive experience can be achieved by engaging in collective responsibility in knowledge creation.

It is too early to tell if the move to online training (Rukuba-Ngaiza 2021, 270) will offer clarity to the educators on how to engage with inclusiveness via online media. Might the use of technology reinforce the status quo, rather than modify it? This question is pertinent given that all judicial education is conducted in the English language, and African languages are perceived as a communication barrier for which a "work around" is required.

An important indicator on future directions is how to measure attitudinal change about the application of gender inclusion within customary law frameworks. Given the lack of systematic evaluation of gender awareness courses (Rukuba-Ngaiza 2021, 265) this future research work can be undertaken by the JTI research department including via attitudinal surveys and looking at case outcomes. By so doing, the evaluations can (hopefully) feed into a wider project that embeds *Ubuntu* within gender equality training.

References

Abdile, M., 2012. Customary Dispute Resolution in Somalia. *African Conflict and Peacebuilding Review* [online], 2(1), 87-110. Available at: https://doi.org/10.2979/africonfpeacrevi.2.1.87

Adaba, A.K., and Boio, D., 2024. *Across Africa, public trust in key institutions and leaders is weakening.* Afrobarometer Dispatch No. 891. 31 October. Accra.

Adebisi, F.I., 2016. Decolonising education in Africa: Implementing the right to education by re-appropriating culture and indigeneity. *Northern Ireland Legal Quarterly* [online], 67(4), 433-451. Available at: https://doi.org/10.53386/nilq.v67i4.129

Adebisi, F.I., 2021. Should We Rethink the Purposes of the Law School? A case for decolonial thought in legal pedagogy. *Amicus Curiae* [online], 2(3), 428-449. Available at: https://doi.org/10.14296/ac.v2i3.5309

Allen, P.A.P.J, 1965. The Law School at Entebbe, Uganda. *East African Law Journal*, 1(2), 148-151.

Allman, J., Geiger, S., and Nakanyike-Musisi, B., eds., 2002. *Women in African Colonial Histories*. Bloomington/Indianapolis: Indiana University Press, 219-236.

Allott, N.A., 1957. The Judicial Ascertainment of Customary Law in British Africa. *Modern Law Review* [online], 20(3), 244-263. Available at: https://doi.org/10.1111/j.1468-2230.1957.tb00442.x

Allott, N.A., 2000. The Hunting of the Snark or the Quest for the Holy Grail? The Search for Customary Law. *In:* I. Edge, ed., *Comparative Law in Global Perspective: Essays in Celebration of the Fiftieth Anniversary of the Founding of the SOAS Law Department* [online]. Leiden: Brill/Transnational, 79–100. Available at: https://doi.org/10.1163/9789004480711_005

Amadiume, I., 1987. *Male daughters, female husbands: gender and sex in an African society*. London: Zed Books.

Appleby, G., *et al.*, 2022. *Judicial education in Australia, a contemporary overview*. Sydney: Australasian Institute of Judicial Administration.

Armytage, L., 1995. Judicial Education on Equality. *Modern Law Review* [online], 58(2) 160-186. Available at: https://doi.org/10.1111/j.1468-2230.1995.tb02002.x

Armytage, L., 2015. *Educating Judges: Towards Improving Justice: A Survey of Global Practice* [online]. Leiden: Brill Nijhoff. Available at: https://doi.org/10.1163/9789004279261

Arnold, C.H., Badenhorst, C., and Hoben, J., 2021. Theories on Trial: Deconstructing and Decolonizing Higher and Adult Learning Conceptual and Theoretical Frameworks. *In:* J. Huisman, J. and M. Tight, eds., *Theory and Method in Higher Education Research* [online]. Leeds: Emerald, 1-20. Available at: https://doi.org/10.1108/S2056-375220210000007001

Bangura, A.K., 2005. Ubuntugogy: An African Educational Paradigm That Transcends Pedagogy, Andragogy, Ergonagy and Heutagogy. *Journal of Third World Studies*, 22(2), 13-53.

Bashaija, K.A., 2002. The judiciary training function. *Journal of Uganda Judicial Officers Association*, 38-41.

Basten, J., 2015. Judicial education on "gender awareness" in Australia. *International Journal of the Legal Profession* [online], 22(2), 151-165. Available at: https://doi.org/10.1080/09695958.2015.1036870

Bauer, G., and Dawuni, J., eds., 2016. *Gender and the Judiciary in Africa: From Obscurity to Parity*? [online] New York/Oxon: Routledge. Available at: https://doi.org/10.4324/9781315719603

Chanock, M., 1982. Making customary law: Men, women, and courts in colonial Rhodesia. *In:* M.J. Hay and M. Wright, eds., *African women and the law: Historical perspectives*. Boston University Press, 53–67.

Chanock, M., 1989. Neither Customary nor Legal: African Customary Law in an Era of Family Law Reform. *International Journal of Law and the Family*, 3(1), 72-88.

Charlesworth, H., and Chinkin, C., 2022. *The boundaries of international law: A feminist analysis, with a new introduction* [online]. Berlin/Leiden: DeGruyter Brill. Available at: https://doi.org/10.7765/9781526163592.00009

Chuku, G., 2018. Colonialism and African Womanhood. *In:* M.S. Shanguhyia and T. Falola, eds., *The Palgrave Handbook of African Colonial and Postcolonial History* [online]. New York: Palgrave Macmillan, 240-295. Available at: https://doi.org/10.1057/978-1-137-59426-6_7

Commonwealth Secretariat, 2017. *Judicial Bench Book on Violence Against Women in Commonwealth East Africa* [online]. London: Commonwealth Secretariat. Available at: https://doi.org/10.14217/9781848599550-en

Crenshaw, K., 1991. Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. *Stanford Law Review* [online], 43(6), 1241–1299. Available at: https://doi.org/10.2307/1229039

Dambuza, N., 2018. Judicial social context education in South Africa. *South African Judicial Education Journal*, 1(1), 39-47.

Dawson, T.B., 2014. Judicial education on social context and gender in Canada: principles, process and lessons learned. *International Journal of the Legal Profession* [online], 21(3), 259-280. Available at: https://doi.org/10.1080/09695958.2015.1029487

Dawson, T.B., 2015. Judicial Education: Pedagogy for a Change. *Journal of Dispute Resolution*, (1), 175–190.

Dawuni, J., ed., 2022. *Intersectionality and Women's Access to Justice*. Lanham: Rowman and Littlefield. Available at: https://doi.org/10.5771/9781793632685

Dennison, D.B., 2013. *Proving Customary Law in Uganda: Roadmaps and Roadblocks* [online]. London: Regent University. Available at: https://doi.org/10.2139/ssrn.2441861

Diala, A.C. 2017. The concept of living customary law: a critique. *The Journal of Legal Pluralism and Unofficial Law*, [online], 49(2), 143-165. Available at: https://doi.org/10.1080/07329113.2017.1331301

Diala, A.C., 2019. Curriculum Decolonisation and Revisionist Pedagogy of African Customary Law. *PER / PELJ* [online], 22, 1-37. Available at: https://doi.org/10.17159/1727-3781/2019/v22i0a4976

Diala, A.C., and Kangwa, B., 2019. Rethinking the interface between customary law and constitutionalism in sub-Saharan Africa. *De Jure Law Journal* [online], 52(1), 189-206. Available at: https://doi.org/10.17159/2225-7160/2019/v52a12

Diala, A.C., and Rautenbach, C., 2024. Introduction. *In:* C.A. Diala and C. Rautenbach., eds., *Reimagining Legal Pluralism in Africa: Balancing Indigenous, Indigenous, State, and Religious Laws* [online]. Leiden: Brill Nijhoff, 1-18. Available at: https://doi.org/10.1163/9789004696747_002

Diye, J., 2022. Gender and Customary Justice among the Podoko of the Mandara Mountains of the Far North Region of Cameroon. *In:* J. Dawuni, ed., *Intersectionality and Women's Access to Justice in Africa* [online]. Lanham: Rowman and Littlefield, 311-332. Available at: https://doi.org/10.5040/9781666995213.ch-14

Douzinas, C., 2002. The end(s) of human rights. *Melbourne University Law Review*, 26(2), 445-465.

East African Magistrates and Judges Association (EAMJA), 2016. *Gender Equality Jurisprudence and the role of the Judiciary in promoting women's access to justice*. Arusha.

Ekirikubinza, L.T., 2021. Sexual and gender-based violence in Uganda during the COVID-19 pandemic: New and old lessons for the criminal justice system. *In:* J. Dawuni, ed., *Gender, Judging and the Courts in Africa* [online]. London: Routledge, 297-320. Available at: https://doi.org/10.4324/9780429327865-20

Escobar, A., 2020. *Pluriversal Politics: The Real and the Possible* [online]. Durham: Duke University Press. Available at: https://doi.org/10.1515/9781478012108

Ethnologue (Uganda). [online]. Available at: https://www.ethnologue.com/country/UG/

Fanon, F., 2004. *The Wretched of the Earth*. Trans.: R. Philcox. New York: Grove Press.

Fombad, M.C., 2014. Gender equality in African customary law: has the male ultimogeniture rule any future in Botswana? *Journal of Modern African Studies* [online], 52(3), 475-494. Available at: https://doi.org/10.1017/S0022278X14000391

Fombad, M.C., 2022. Fostering a constructive intra-African legal dialogue in post-colonial Africa. *Journal of African Law*, 66(1), 1–22.

Freire, P., 2005. *Pedagogy of the Oppressed*. New York: Continuum International.

Gayoye, M., 2021. Why women judges really matter: The impact of women judges on property law outcomes in Kenya. *Social and Legal Studies* [online], 31(3), 1–27. Available at: https://doi.org/10.1177/09646639211007905

Gayoye, M., 2025. The coloniality and evolution of African customary law. *Oñati Socio-Legal Series* [online], 16(6-this issue), 1-25. Available at: https://doi.org/10.35295/osls.iisl.1976

Golub, S., 2003. *Rule of law orthodoxy*. Carnegie Endowment for International Peace.

Goodman, S., and Louw-Potgieter, J., 2012. A Best Practice Model for the Design, Implementation and Evaluation of Social Context Training for Judicial Officers. *African Journal of Legal Studies* [online], 5, 181–197. Available at: https://doi.org/10.1163/17087384-12342004

Grosfoguel, R., 2007. The Epistemic Decolonial Turn: Beyond Political-Economy Paradigms. *Cultural Studies*, 21(2), 211-223.

Hague Institute for Innovation of Law (HiiL), 2024. *Justice Needs and Satisfaction in Uganda: Legal problems in daily life*. Policy brief.

Hanson, H., 2002. Queen Mothers and Good Government in Buganda: The Loss of Women's Political Power in Nineteenth Century East Africa. *In:* J. Allman, S. Geiger and B. Nakanyike-Musisi, eds., *Women in African Colonial Histories*. Bloomington/Indianapolis: Indiana University Press, 219-236.

Happold, M., 2021. *Judicial Education and Judicial Independence*. Paper given at the 2021 Commonwealth Law Conference. 6 September.

Hassim, S., 2018. Decolonising equality: the radical roots of the gender equality clause in the South African constitution. *South African Journal on Human Rights* [online], 34(3), 342–358. Available at: https://doi.org/10.1080/02587203.2018.1543837

Himonga, C., 2011. The Future of Living Customary Law in African Legal Systems in the Twenty-First Century and Beyond, with Special Reference to South Africa. *In:* J. Fenrich, P. Galizzi and T.E. Higgins, eds., *The Future of African customary law* [online]. Cambridge University Press, 31-57. Available at: https://doi.org/10.1017/CBO9780511844294.003

Himonga, C., and Diallo, F., 2017. Decolonisation and Teaching Law in Africa with Special Reference to Living Customary Law. *PER / PELJ* [online], 20, 1-19. Available at: https://doi.org/10.17159/1727-3781/2017/v20i0a3267

Ikuenobe, P., 2015. Relational Autonomy, Personhood, and African Traditions. *Philosophy East and West* [online], 65(4), 1005-1029. Available at: https://doi.org/10.1353/pew.2015.0101

International Commission of Jurists (ICJ), 2020. *10th Geneva Forum of Judges and Lawyers, 2020. Customary and Informal Justice and Alternative Dispute Resolution in the East, Southern and Horn of Africa. Report of the 10th "Geneva" Forum of Judges and Lawyers* [online]. 2-3 March. Nairobi. Available at: https://www.icj.org/wp-content/uploads/2020/06/Universal-GvaForum-Kenya-Publications-Reports-Seminar-or-conference-reports-2020-ENG.pdf

Jjuuko, W.F., 2018. *The role of Informal justice Mechanisms in Deepening Access to Justice: Options and Opportunities for Legal Pluralism in Uganda*. Kampala.

Kakuru, K., 2018. *The Role of the Judicial Training Institute in Contributing to Better Performance of the Judiciary*. Kampala.

Kamau, W., 2014. *Customary Law and Women's Rights in Kenya*. University of Nairobi.

Kamau, W., 2023. Customary Law and Women's Rights in Kenya. *East African Law Journal*, 137-177.

Khadiagala, L., 2002. Negotiating Law and Custom: Judicial Doctrine and Women's Property Rights in Uganda. *Journal of African Law* [online], 46(1), 1-13. Available at: https://doi.org/10.1017/S022185530200175X

Laitin, D.D., and Ramachandran, R., 2022. Linguistic diversity, official language choice and human capital. *Journal of Development Economics* [online], 156, 1-19. Available at: https://doi.org/10.1016/j.jdeveco.2021.102811

Legal Vice Presidency, 2003. *The World Bank, Legal and Judicial Reform: Strategic Directions*. Washington, DC.

Maldonado-Torres, N., 2007. On the Coloniality of Being: Contributions to the Development of a Concept. *Cultural Studies* [online], 21(2-3), 240-251. Available at: https://doi.org/10.1080/09502380601162548

Mamdani, M., 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Capitalism*. Princeton University Press.

Manji, S.A., 1999. Imagining Women's "Legal World": Towards a Feminist Theory of Legal Pluralism in Africa. *Social and Legal Studies* [online], 8(4), 434-455. Available at: https://doi.org/10.1177/a010357

Mapp, O. M., 2017. *Report of the Sentencing Guidelines Committee and Stakeholders workshop meeting: Mainstreaming Community Impact Statements into Contextualised Sentencing Practice* [online]. Kampala. Available at: https://www.academia.edu/129340164/Mainstreaming_community_impact_statements_into_sentencing_practice

Maraire, W., 2025. The Pursuit of an Appropriate Dispute Resolution Philosophy for Africa. *Journal of African Law* [online], 69(1), 1–19. Available at: https://doi.org/10.1017/S0021855324000251

Masabo, J., 2021. Unlocking gender inequality through judicial training: Insights from Tanzania. *In:* J. Dawuni, ed., *Gender, Judging and the Courts in Africa* [online]. London: Routledge, 233-253. Available at: https://doi.org/10.4324/9780429327865-16

Masaka, D., 2019. Attaining epistemic justice through transformation and decolonisation of education curriculum in Africa. *African Identities* [online], 17(3-4), 298-309. Available at: https://doi.org/10.1080/14725843.2019.1681259

Mbembe, A.J., 2016. Decolonising the university: new directions. *Arts and Humanities in Higher Education* [online], 15(1), 29–45. Available at: https://doi.org/10.1177/1474022215618513

Meyerson, D., 2024. When is discrimination unfair? A relational reconstruction of the Constitutional Court's dignity-based approach. *The South African Journal of Law* [online], 141(2), 257-292. Available at: https://doi.org/10.47348/SALJ/v141/i2a2

Mignolo, D.W., 2007. Delinking: The rhetoric of modernity, the logic of coloniality and the grammar of de-coloniality. *Cultural Studies* [online], 21(2–3) 449-514. Available at: https://doi.org/10.1080/09502380601162647

Mignolo, D.W., 2009. Epistemic Disobedience, Independent Thought and Decolonial Freedom. *Theory, Culture & Society*, 26(7–8), 159–181.

Mignolo, D.W., and Walsh E.C., eds., 2018. *On decoloniality: concepts, analytics, and praxis* [online]. Durham: Duke University Press. Available at: https://doi.org/10.1215/9780822371779

Mnisi-Weeks, S., and Claassens A., 2009. Rural Women Redefining Land Rights in the Context of Living Customary Law, *South African Journal on Human Rights* [online], 25(3) 491-516. Available at: https://doi.org/10.1080/19962126.2009.11865214

Mnisi-Weeks, S., 2011. Take Your Rights Then Sleep Outside, On the Street: Rights, Fora, and the Significance of Rural South African Women's Choices. *Wisconsin International Law Journal*, 29(2), 288- 318.

Modiri, J., 2020. The aporias of "decolonisation" in the South African academy. *In:* T. Oluwaseun and S. Motala, eds., *From Ivory Towers to Ebony Towers: Transforming Humanities Curricula in South Africa, Africa and African American Studies*. Auckland Park: Fanele, 157-173.

Moorhead, R, and Cowan, D., 2007. Judgecraft: an introduction. *Social and Legal Studies* [online], 16(3), 315-320. Available at: https://doi.org/10.1177/0964663907079761

Mosaka, T.B., 2021. A Decolonial Legal Method. *South African Law Journal* [online], 138(4), 761-798. Available at: https://doi.org/10.47348/SALJ/v138/i4a5

Mubangizi, C.J., and Tlale, M.T., 2023. How gender-based cultural practices violate women's property rights and inhibit property ownership: A South African perspective. *Women's Studies International Forum* [online], 96(102678), 1-7. Available at: https://doi.org/10.1016/j.wsif.2023.102678

Mujuzi, D.J., 2020. Reconciling Customary Law and Cultural Practices with Human Rights in Uganda. *Obiter* [online], 41(2), 239-256. Available at: https://doi.org/10.17159/obiter.v41i2.9148

Mutua, W.M., 1995. The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties. *Virginia Journal of International Law*, 35, 339-380.

Muyobo, K., 2025. Judiciary to train clan, religious leaders on solving disputes. *Daily Monitor.*, 4 March.

Nankindu, P., 2020. History of Educational Language Policies in Uganda: Lessons from the Past. *American Journal of Educational Research* [online], 8(9), 643-652. Available at: https://doi.org/10.12691/education-8-9-5

Naude, P., 2019.Decolonising Knowledge: Can Ubuntu Ethics Save Us from Coloniality? *Journal of Business Ethics* [online], 159, 23–37. Available at: https://doi.org/10.1007/s10551-017-3763-4

Ndlovu-Gatsheni, J. S.,. 2017. The Emergence and Trajectories of Struggles for an 'African University': The Case of Unfinished Business of African Epistemic Decolonisation. *Kronos*, [online], 43 (1), 51-77. Available at https://doi.org/10.17159/2309-9585/2017/v43a4

Ndlovu-Gatsheni, J.S., 2015. Decoloniality as the future of Africa. *History Compass* [online], 13(10), 485-496. Available at: https://doi.org/10.1111/hic3.12264

Ndlovu-Gatsheni, J.S., 2020. *Decolonization, development and knowledge in Africa: Turning over a new leaf* [online]. London: Routledge. Available at: https://doi.org/10.4324/9781003030423

Ndlovu-Gatsheni, J.S., 2021. The cognitive empire, politics of knowledge and African intellectual productions: reflections on struggles for epistemic freedom and resurgence of decolonisation in the twenty-first century. *Third World Quarterly* [online], 42(5), 882-901. Available at: https://doi.org/10.1080/01436597.2020.1775487

NewVision Reporter, 2024. Ex-Principal Judge calls ADR quick to reduce case backlog. *New Vision*, 3 September.

Njogu, R., Kameri-Mbote, P., and Nkatha, K., 2023. The Wife of Law: Equality and Its Discontents. *East African Law Journal*, 178-210.

Ntseane, G.P., 2011. Culturally Sensitive Transformational Learning: Incorporating the Afrocentric Paradigm and African Feminism. *Adult Education Quarterly* [online], 61(4), 307–323. Available at: https://doi.org/10.1177/0741713610389781

Nyamu-Musembi, C., 2013. Pulling apart? Treatment of pluralism in the CEDAW and the Maputo Protocol. *In:* A. Hellum and H.S. Aasen, eds., *Women's Human Rights: CEDAW in International, Regional and National Law* [online]. Cambridge University Press, 183-213. Available at: https://doi.org/10.1017/CBO9781139540841.009

Oberoi, G., 2012. Globalisation of the judicial education discourse. *Commonwealth Law Bulletin* [online], 38(3), 393-421. Available at: https://doi.org/10.1080/03050718.2012.694996

Oberoi, G., 2022. Why Judicial Education Institutions (JEI) must Focus Vulnerabilities faced on Account of Age, Economic Status, Sexual Orientation and Participation in Civil Society Movements? *Athens Journal of Law* [online], 8(3), 217-236. Available at: https://doi.org/10.30958/ajl.8-3-1

Ocran, M., 2006. The Clash of Legal Cultures: The Treatment of Indigenous Law in Colonial and Post-Colonial Africa. *Akron Law Review*, 39(2), 465-481.

Odoki, B.J., 1990. *An Introduction to Judicial Conduct and Practice*. Kampala: Law Development Centre.

Ogude, J., 2024. 2023 ASR Distinguished Lecture: Decoloniality and Its Fissures. Whose Decolonial Turn? *African Studies Review* [online], 67(4), 817–836. Available at: https://doi.org/10.1017/asr.2024.172

Owor, M., 2012. Creating an independent traditional court: A study of Jopadhola clan courts in Uganda. *Journal of African Law* [online], 56(2), 215-242. Available at: https://doi.org/10.1017/S0021855312000095

Owor, M., and Musoke, H.D., 2014. Neglect of gender questions at the vocational stage of judicial education in Uganda. *International Journal of the Legal Profession* [online], 21(3), 281–296. Available at: https://doi.org/10.1080/09695958.2015.1028943

Oyewumi, O., 1997. *The Invention of Women: Making an African Sense of Western Gender Discourses.* Minneapolis: University of Minnesota Press.

Oyewumi, O., 2016. *What Gender Is Motherhood? Changing Yoruba Ideas of Power, Procreation, and Identity in the Age of Modernity*. London: Palgrave Macmillan.

Paul, C.N.J., 1962. Legal education in English-speaking Africa. *Journal of Legal Education*, 15(2), 189–204.

Quijano, A., 2000. Coloniality of Power and Eurocentrism in Latin America. *International Sociology* [online], 15(2), 215-232. Available at: https://doi.org/10.1177/0268580900015002005

Quijano, A., 2007. Coloniality and Modernity/Rationality. *Cultural Studies* [online], 21(2-3), 168-178. Available at: https://doi.org/10.1080/09502380601164353

Ramose, M.B., 2000. African Renaissance: A Northbound gaze. *Politeia*, 19(3), 47-61.

Ramose, M.B., 2002. *African Philosophy through Ubuntu*. Harare: Mond Books.

Ramose, M.B., 2019. On Finding the Cinerarium for Uncremated *Ubuntu*: On the Street Wisdom of Philosophy. *In:* B.S. Santos and M.P. Meneses, eds., *Knowledges Born in the Struggle: Constructing the Epistemologies of the Global South* (*Epistemologies of the South)* [online]. London: Routledge, 58-75. Available at: https://doi.org/10.4324/9780429344596-4

Rukuba-Ngaiza, N., 2021. Gender awareness training in Judicial Training Institutes in Kenya and Uganda. *In:* J. Dawuni, ed., *Gender, Judging and the Courts in Africa* [online]. London: Routledge, 254-273. Available at: https://doi.org/10.4324/9780429327865-17

Schmidhauser, J.R., 1992. Legal Imperialism: Its Enduring Impact on Colonial and Post-Colonial Judicial Systems. *International Political Science Review / Revue Internationale de Science Politique* [online], 13(3), 321–334. Available at: https://doi.org/10.1177/019251219201300307

Sesay, M., 2021. *Domination Through Law: The Internationalization of Legal Norms in Postcolonial Africa* [online]. Lanham: Rowman and Littlefield. Available at: https://doi.org/10.5040/9798881814656

Shetler, B.J, ed., 2015. *Gendering ethnicity in African women's lives*. Madison: University of Wisconsin Press.

Shizha, E., 2010. Rethinking and Reconstituting Indigenous Knowledge and Voices in the Academy in Zimbabwe: A Decolonization Process. *In:* D. Kapoor and E. Shizha, eds., *Indigenous Knowledge and Learning in Asia/Pacific and Africa: Perspectives on Development, Education, and Culture* [online]. New York: Palgrave Macmillan, 115-129. Available at: https://doi.org/10.1057/9780230111813_8

Sibanda, S., and Mosaka, B.T., 2015. *Bhe v Magistrate, Khayelitsha*: A cultural conundrum, Fanonian alienation and an elusive constitutional oneness. *Acta Juridica,* 1, 256-280.

Sindane, N., 2024. The pedagogy of memory and forgetfulness: A critical review of selected aspects of the LLB curriculum in South Africa. *In:* F.I. Adebisi, S. Jivraj and N. Tzouvala, eds., *Decolonisation, Anti-Racism, and Legal Pedagogy: Strategies, Successes, and Challenges* [online]. Oxon/New York: Routledge, 32-46. Available at: https://doi.org/10.4324/9781003397885-4

Smith, T.L., 2012. *Decolonizing Methodologies: Research and Indigenous Peoples.* London: Bloomsbury.

Ssenyonjo, M., 2007. Culture and the Human Rights of Women in Africa: Between Light and Shadow. *Journal of African Law* [online], 51(1), 39–67. Available at: https://doi.org/10.1017/S0021855306000258

Stewart, A., 2001. Judicial Attitudes to Gender Justice in India: The Contribution of Judicial Training. *Law, Social Justice and Global Development* (1).

Stewart, J.E., 1997a. Exploring Law and Reality: WLSA Methodology: A Zimbabwe Version? *Zimbabwe Law Review*, 14, 54-73.

Stewart, J.E., 1997b. Why I cannot teach customary law. *Zimbabwe Law Review,* 14, 18-28.

Swinton, K., 2019. Judicial Impartiality and Social Context Education. *In:* L.G. Postigo and M.F. Castro, eds., *Justice in Social Context*. Santiago: Centro de Estudios de Justicia de las Américas, 31-45.

Tamale, S., 2008. The Right to Culture and the Culture of Rights: A Critical Perspective on Women's Sexual Rights in Africa. *Feminist Legal Studies* [online], 16, 47–69. Available at: https://doi.org/10.1007/s10691-007-9078-6

Tamale, S., 2020. *Decolonization and AfroFeminism*. Ottawa: Daraja Press.

Tamanaha, B.Z., *On the Rule of Law: History, Politics, Theory*. Cambridge University Press.

Tanzania Women Judges Association, 2021. *Gender Bench book on Women's Rights*.

Thiong'o, N.w., 1986. *Decolonising the Mind: The Politics of Language in African Literature.* London: James Currey.

Tibihikirra-Kalyegira, P., 2010. *Liberalisation of Legal Education in Uganda: Policy Considerations.* Kampala: Law Africa.

Tuck, E., and Yang, K.W., 2012. Decolonization: Indigeneity. *Education and Society*, 1(1), 1-40.

Tushnet, M., 1989. Rights: An Essay in Informal Political Theory. *Politics and Society* [online], 17(4), 403-451. Available at: https://doi.org/10.1177/003232928901700401

Twinomugisha, B.K., 2011. African Customary Law and Women's Human Rights in Uganda. *In:* J. Fenrich., P. Galizzi., and T.E. Higgins., eds., *The Future of African customary law* [online]. Cambridge University Press, 446-466. Available at: https://doi.org/10.1017/CBO9780511844294.020

Uganda Judiciary, Judicial Training Institute, 2025. *Report On the National ADR/AJS Summit.* [online]. Kampala. Available at: https://judicialtraininginstitute.go.ug/reports/

Uganda Judiciary., 2021. *Training Manual on Gender Responsive Adjudication for Judicial Officers in Uganda* [online]. Kampala. Available at: http://nawju.judiciary.go.ug/wp-

content/uploads/filr/6838/Training%20Manual%20on%20Gender%20Responsive%20Adjudication_compressed.pdf

Uganda Judiciary., 2023. *Alternative Justice System (AJS) Strategy for the Judiciary of Uganda* [online]. Kampala. Available at: https://judiciary.go.ug/files/downloads/Alternative%20Justice%20System%20(AJS)%20Strategy%20for%20The%20Judiciary%20of%20Uganda.pdf

Umubyeyi, L., and Moriceau, J., 2023. *Decolonize Justice! A perspective on the role of international development policies and citizens' experience of justice institutions*. African Futures Lab.

Velásquez Atehortúa, J., 2020. A decolonial pedagogy for teaching intersectionality. *Nordic Journal of Comparative and International Education* [online], 4(1), 156–171. Available at: https://doi.org/10.7577/njcie.3555

Verweijen, J., and van Bockhaven, V., 2020. Revisiting colonial legacies in knowledge production on customary authority in Central and East Africa. *Journal of Eastern African Studies* [online], 14(1), 1-23. Available at: https://doi.org/10.1080/17531055.2019.1710366

Vyas, Y., 1992. The Independence of the Judiciary: A Third World Judiciary Perspective. *Third World Legal Studies*: [online], 11(1, 6). Available at: http://scholar.valpo.edu/twls/vol11/iss1/6

Wallace, J.C., 2000. Judicial Education and Training in Asia and the Pacific. *Michigan Journal of International Law*, 21(4), 849-875.

Wallace, J.C., 2003. Globalization of Judicial Education. *Yale Journal of International Law,* 28, 355-634.

Wangutusi, D., 2005. *Challenges in the Establishment of a Judicial Training Institution.* SAJC Conference on "Modernising the Judiciary". 4-5 February. Entebbe.

Woodman, R.G., 2011. A Survey of Customary Laws in Africa in Search of Lessons for the Future. *In:* J. Fenrich, P. Galizzi and T.E. Higgins, eds., *The Future of African customary law* [online]. Cambridge University Press, 9-30. Available at: https://doi.org/10.1017/CBO9780511844294.002

Yoon, Y.M., 2016. Tanzania: Women Judges as Agents of Judicial Education *In:* G. Bauer and J. Dawuni, eds., *Gender and the Judiciary in Africa: From Obscurity to Parity?* New York: Routledge, 93-107.

Legislation

African Commission on Human and Peoples' Rights., 2011. *Principles And Guidelines on the Implementation of Economic, Social and Cultural Rights in The African Charter on Human and Peoples' Rights*.

Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct, 2010.

List of cases

Bhe v Magistrate Khayetlitsha 2005 1 BCLR 1 (CC) Court of Appeal of South Africa.

Ebiju Justine Wilson and Angwedo Mary v. Echodu Surubaberi (2015) High Court of Uganda, Civil Appeal No. 43 of 2012.

Katamba Hussein v Uganda National Roads Authority. High Court Civil Suit 18 of 2021.

Lwamasaka Nkonge Prosper v. James Magala Muteweta and the Kabaka of Buganda. High Court of Uganda, Miscellaneous Cause (No. 65 of 2015 and 87 of 2016).

Mifumi (U) Ltd and 12 Ors v Attorney General and Kenneth Kakuru (Constitutional Petition 12 of 2007).

Mifumi (U) Ltd and Anor v. Attorney General and Kenneth Kakuru (Constitutional Appeal 2 of 2014).

Ramantele v Mmusi, Moima, Lekoko and Ntshekisang, CACGB-104-12 (Unreported) Court of Appeal of Botswana.

Uganda v. Lomoe Nokopuet, Criminal Case-2016/109; UGHCCRD 14.