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Traditional tribunals can help rural women access justice in SA, says UCT researcher

University of Cape Town researcher Dr Adenike Aiyedun's PhD thesis examines the right of women in South Africa's rural areas to a fair trial and access to justice. She argues that in practice, formal courts are discriminatory towards rural women because of the difficulties associated with financial, geographic, linguistic and cultural barriers, faced by the women. These barriers make it challenging for the state to fully enforce the right to legal representation in civil matters.

Dr Aiyedun's thesis, "Fair trial and access to justice in South Africa: How traditional tribunals can cater for the needs of rural women", shows that there is bias in both the formalities of hearing all sides of a case and the practicalities of gaining access to formal courts. She says: "For rural women, traditional tribunals are both accessible and capable of concretely expressing constitutional language and culture guarantees."

Within the South African context, "the thesis contributes to current debates surrounding the controversial Traditional Courts Bill and the role of traditional tribunals in guaranteeing access to justice in the face of a failing formal justice system," says Dr Aiyedun. Within an African context, academic discourse also seeks solutions to the problem of access for vulnerable groups on the continent.

She adds that although rural women suffer some prejudice when appearing before traditional courts, with the right checks and balances, traditional tribunals remain crucial to the implementation of the right of access to justice for rural women in South Africa. "Better state engagement, along with the expansion of the state budget for traditional justice mechanisms, can help strengthen and expand their reach from rural to urban areas", she says.

Dr Aiyedun holds an LLB Hons degree from the University of Ibadan, Nigeria, and an LLM degree in public law from UCT. She received her PhD in law at the UCT graduation ceremony held on 16 December 2013.

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