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PROGRAM NAME: WOMANITY WOMEN IN UNITY

GUEST NAME: JUDGE MAHUBE BETTY MOLEMELA

SPEAKER	TRANSCRIPTION
DR. MALKA (INTRODUCTION)	Hello, I'm Dr. Amaleya Goneos-Malka, welcome to 'Womanity – Women in unity'. The show that celebrates prominent and ordinary African women's milestone achievements in their struggles for liberation, self-emancipation, human rights, democracy, racism, socio-economic class division and gender based violence.
DR. MALKA (GUEST SYNOPSIS)	Joining us in the studio today is Justice Mahube Betty Molemela who is the Judge President of the Free State Division of the High Court. She has been on the bench in various capacities and serves in several committees within the judiciary. Some of her former roles include being a Military Judge, Acting Judge of the Free State High Court as well as Gauteng Division of the High Court, judge of the Labour Appeal Court, Acting Judge of the Competition Appeal Court and also as a Justice of the Constitutional Court. Welcome to the show.
JUDGE MAHUBE BETTY MOLEMELA	Thank you very much doctor.
DR. MALKA	So glad that you can join us today.
JUDGE MAHUBE BETTY MOLEMELA	Thank you very much for having me.
DR. MALKA	Now not long ago you made it into the history books when you were appointed as the first female Judge President of the Free State Division of the High Court of South Africa. Can you please share with us some of the responsibilities that come with being a High Court Judge President as well as having such a demanding career?
JUDGE MAHUBE BETTY MOLEMELA	Well doctor, I am still performing the functions that I used to perform as an ordinary judge in terms of going to court, presiding over cases and delivering judgements. I do however have additional responsibilities and these are all spelt out in the norms and standards of the judiciary which were published in 2014. Now the objective of these norms and standards is to achieve enhancement of quality justice to all members of the public and to ensure that we have an efficient and effective adjudication of dispute. Now in terms of these norms and standards, I in my capacity as Judge President have to ensure that all judicial officers perform their duties efficiently. I have to manage the performance of the functions of the division and now I am talking about the High Court as well as the Magistrate's Court.
DR. MALKA	And in terms of the number of magistrate courts, what is the domain – how many are you responsible for?
JUDGE MAHUBE BETTY MOLEMELA	In the magistrate courts, I have 78 District courts and 59 Regional courts which fall within my area of jurisdiction. I really have many responsibilities and always have to juggle lots of balls in the air, however, when you are a Judge President doctor, you are in a privileged position of leadership in the sense that you actually lead people who are already leaders in their own right – I am talking about the judges and it becomes a little bit easier.

DR. MALKA	And there's an enormous responsibility that comes with your role, because it is about uphold and making sure that our laws are adhered to across the country but also making sure that when adjustments need to be made, that those come into effect. Sometimes when you listen to some of the court cases that go on, there's such a fine line between people's interpretations.
JUDGE MAHUBE BETTY MOLEMELA	Yes it is indeed an enormous responsibility, a lot of juggling of balls in the air – I mean I have to do my own work and go to court, adjudicate over cases and I also have to see to you know to the streamlined functioning of the courts. In as far as the outcomes of the cases are concerned; well every single judge takes responsibility for that. You know the independence of the judiciary is sacrosanct so even though I am a Judge President, I can never ever question the decision of my colleague and that's why I always say although this is a very strenuous job; because every single judge is a leader in his or her own right, my role is fairly easy in the sense that I'm just really a first amongst equals.
DR. MALKA	That's an interesting perspective and I find it a really intriguing view because normally in the corporate world, there's boundaries which when they are crossed people have responsibilities for specific domains. But here as you are reiterating each judge in effect is responsible for their own jurisdiction.
JUDGE MAHUBE BETTY MOLEMELA	Indeed that is the case, that is why I say you know it makes my job so much easier because I don't have to look over somebody's shoulder and breathe down their neck, all I have to do is to ensure that everything is functioning smoothly, that we are delivering quality justice to people, but I'm not responsible for the individual outcomes or judgements that are delivered by my colleagues.
DR. MALKA	And in terms of future milestones within this particular term, what would you like to achieve?
JUDGE MAHUBE BETTY MOLEMELA	Oh you know as I stated we have the judicial norms and standards and all that they require is that we give quality justice effective and efficient service. I put the bar high for myself, I'm striving for excellence. Every single term I strive to be better than in – perform better than in the previous term. I realize of course that overall performance does not depend on me alone, because I depend on the stakeholders you know we all have to put our shoulders to the wheel and perform and if we all perform to the best of our ability, then excellent service, quality service is really achievable and that's the standard that I have put for my division.
DR. MALKA	Thanks for the reassurance on the robust machinery of the judiciary. Now our program Womanity – Women in Unity is all about gender equality and it's increasingly becoming a global focus and as such building female leadership capacity is important for the future of women both in Africa across our continent and in other areas of the world. How do you see female leadership from a South African perspective whether it's in parliament, schools, businesses, the justice system?
JUDGE MAHUBE BETTY MOLEMELA	Well the statistics on gender transformation speak for themselves and this is a big problem but it's not a South African problem it's a global problem. You will have a look at all the statistics you will see that women from all over the world are really under-represented in key positions everywhere – and that includes the judiciary. So my answer to that would be that female leadership is not where it should be. Certainly we have to recognize that there has been a huge improvement, huge strides have been made but we are not there yet. For example in the judiciary in 1994, there were only two female judges and at this stage there are about maybe say 80-90 women

	judges - the representation is not that bad.
DR. MALKA	And as a percentage?
JUDGE MAHUBE BETTY MOLEMELA	As a percentage it could be somewhere about 40%. We are not there yet. The representation in the political arena is much better than in the judiciary in all other spheres, including the banking sphere because in parliament there is 45% representation, it is not 50% yet but you know it's getting there and there's really room for improvement and we need to improve. I have never understood why people want to prioritize racial transformation and prefer sometimes to defer gender transformation when they are both equally important in my view.
DR. MALKA	I agree with you fully there. And I think one of the things that I find interesting from a parliament point of view and from a government perspective is that with the ruling party as being the ANC, that they are very adamant in terms of 50/50 and often hear people say – using the expression that South Africa is a zebra that it is purely 50/50 when it comes to those splits and it think that has been part of the reason that we have such a high representation in parliament.
JUDGE MAHUBE BETTY MOLEMELA	Yes
DR. MALKA	And also I must just add that from a Rwandan point of view, they lead the world in terms of female representation in parliament with either 62% or 64% of women. So it can be done and it can be a viable element of women being in higher position.
JUDGE MAHUBE BETTY MOLEMELA	Yes there's no reason why we should not match the gender composition in the country really. In terms of the judiciary I know that some countries are performing much better than South Africa. Nigeria is one of them, Ghana is also one of those – both Ghana and Nigeria already have female Chief Justices' and I think in terms of representation it is over 50%.
DR. MALKA	And why is that?
JUDGE MAHUBE BETTY MOLEMELA	There is a variety reasons. I think in terms of the political arena there is political will. In terms of the judiciary really we have to be forthright about it, our history is the root cause of all of this because we have history of patriarchy and of course apartheid and its laws also did not assist us in any way because they were actually laws that precluded women from becoming attorneys. I mean in 1912 there was woman Madeline Wookey who was already serving articles of clerkship and who wanted to be enrolled and you won't believe this but it is actually the Appellate Division that reversed the earlier decision of the Cape High Court to enrol her as an attorney. And it was only in the 1920's that we had you know, women being enrolled as attorneys. So that history is really responsible for the situation that we have at hand, it led to men believing that they are actually superior than women when that is actually not the case and in as far as attorneys firms are concerned, I was an attorney myself. I know that there are clients who would actually expressly say that they don't want to be represented by a female; they prefer a male legal representative. So those stereotypes are still there because of the manner in which people were socialized and they are not going to be quickly eradicated but we need to work hard on them and women must take the lead on this. But I say you know we can't keep making that an excuse forever. For example it is permissible to appoint judges from the magistracy from the academia and so forth. I mean previously judges were only drawn from the pool of advocates and because of the fact that there were very few legal practitioners it resulted in a very small pool from

	<p>which judges could be appointed. But the magistracy should be considered, the academia should be considered and there are many women that are ready to be you know, given an opportunity because you do have to act first to establish many things whether you yourself like to do that kind of job and so on so it is imperative that one must act before being appointed as a permanent judge. But when are you going to do that if you are not even given an opportunity? So I believe that many, many women are ready out there to be given those opportunities and they should be given those opportunities. And I'm proud to say that in my division when I take the complement of acting and permanent judges into account we are already at 50% representation – so we are at 50/50 already.</p>
DR. MALKA	Well congratulations.
JUDGE MAHUBE BETTY MOLEMELA	And I really intend to keep it that way and I don't see why other divisions cannot follow suite.
DR. MALKA	And do you think that if we have more sectors of society that are promoting and actually achieving the 50/50 - so whether it's the judiciary, whether it's in parliament, that we will be able to encourage other sectors of society to incorporate more women into their mix?
JUDGE MAHUBE BETTY MOLEMELA	Of course it will, it will have that kind of effect that people will see that women are capable after all and it will you know – it will be infectious in a good way and it will start happening all over.
DR. MALKA	And from your point of view, what do you think we need to do to create that type of attention to ensure that we have greater participation of women?
JUDGE MAHUBE BETTY MOLEMELA	We have to involve women in you know leadership positions. We have to give them support we have to give them training. In terms of companies, we really have to work hard on the company cultures. I know that a lot of people will hide behind legislation to say that there's no legislation that says that 50% of the workforce has to be women and so on and so on, but we do have the equality clause of the constitution already, we do have conventions like CEDAW so we do have all the necessary instruments in place. I think what we need is now what we can call the corporate conscience or the corporate social responsibility that instils these in everybody – not only in women, in everybody that people should be receptive to women leadership.
DR. MALKA	And this reminds me a couple of weeks ago there was a mini-documentary on CNN and I believe it was the CEO of Salesforce they just relooked at their workforce and it was exactly as you saying, it's not about adhering to legislation but it's about doing what's right. They were looking at the discrepancy between women's pay versus male pay and women being in the same position as men, but earning less and he decided there and then to take corrective measures and to increase women salaries so they were on par. The globular figure I think in terms of annual remuneration it worked out that the company had to then pay another \$3m to bring women up to their levels.
JUDGE MAHUBE BETTY MOLEMELA	Wow. Yes, those income differentials are still there, the wage gap is still there – it's around 30% world-wide and I want to emphasise this is not a South African problem, it happens world-wide.
DR. MALKA	Even though it's not a South African problem, I still think that it's not right and we need to take action to make those changes.
JUDGE MAHUBE BETTY MOLEMELA	Oh yes, definitely. That's why I feel that the promulgation of the Gender Equality Act should happen very, very, very soon and -

DR. MALKA	And if I can ask you to hold that thought I would like to discuss that in our next section.
JUDGE MAHUBE BETTY MOLEMELA	That's fine
DR. MALKA	Today, we're talking to Justice Mahube Betty Molemela who is the Judge President of the Free State Division of the High Court
ADVERT	
DR. MALKA	You're listening to Womanity – Women in Unity on Channel Africa, the Voice of the African Renaissance on frequency 9625 kHz on the 31 meter band, also available on DSTV channel 902. Today we are talking to Justice Mahube Molemela who is the first female appointed Judge President of the Free State Division of the High Court. We would love to receive your comments on Twitter @womanitytalk . In our previous segment Justice Molemela spoke about some of the responsibilities that entails her current position as being the Judge President of the Free State Division of the High Court of South Africa. She also spoke about some of the disparities in terms of pay discrepancies with women not only in South Africa, but going across the world. We are looking at a differentia of approximately 30% in terms of salary differences. Justice Molemela just before we left the last part of the previous segment, you mentioned briefly the Women Empowerment and Gender Equality bill. And I would like to go into that in a little bit more detail. My understanding is that South Africa's Women Empowerment and Gender Equality bill is currently undergoing consultation and review, with its principal aim of being able to promote and achieve equality for women across the board. What do you think about legislation in relation to be able to close gender gaps?
JUDGE MAHUBE BETTY MOLEMELA	I think it is very necessary. I earlier on alluded to the fact that we have international instruments and I specifically referred to CEDAW which is the convention on the elimination of discrimination against women. It provides that member states must make sure that laws are put in place to promote empowerment of women and so forth. We have our own constitution which talks about the right to equality in Section 9, in terms of the judiciary we have Section 174, Subsection 2 which provides that the fit and proper persons must be appointed and they must match the composition of the country in terms of gender and race. Well in spite of all those things, that has not happened. So as I said and acknowledged, strides have been made but it's not enough – it's not enough for there to be 35-40% of women on the judiciary. There should be more. Why should we not get to 50? So it is for that reason that I believe that indeed legislation that specifically targets that, is necessary because it is quite clear that not only in the government but also in the private sector some people will only do certain things if they are obliged to do so in terms of legislation. Hence I say that it is necessary for that Act to be promulgated as soon as possible to ensure that you know the requirement for 50/50 legislation is out there in a statute and if it is out there in a statute then it would have to be complied with. But with having said that, we must also be very careful because sometimes laws are passed but there is no monitoring so it will be very important to monitor compliance and to enforce those laws to see to it that 50/50 parity is really achieved.
DR. MALKA	And that's always the challenge isn't it; it's about getting to that implementation, point of implementation.
JUDGE MAHUBE	Yes, implementation is always the biggest challenge, ja.

BETTY MOLEMELA	
DR. MALKA	I hear that a lot. We have got fantastic legislation but the biggest challenge is during the implementation.
JUDGE MAHUBE BETTY MOLEMELA	Yes implementation is always a challenge and hence I say that it is very important to monitor and force otherwise these laws will just be paper tigers really.
DR. MALKA	And do you think that implementation should almost / well actually the monitoring effect should almost fall into another jurisdiction, another body within government?
JUDGE MAHUBE BETTY MOLEMELA	Perhaps it could be done in pretty much the same way as the monitoring in respect of employment equity is concerned, you know that Commission for Employment Equity that sees to it that companies comply and so on. I think they could do it along the same lines.
DR. MALKA	Because effectively they are obtaining the same information.
JUDGE MAHUBE BETTY MOLEMELA	Indeed.
DR. MALKA	It is just giving a different measure.
JUDGE MAHUBE BETTY MOLEMELA	Indeed, Indeed.
DR. MALKA	Now as a woman who has been in the legal system your entire career, what would be your advice to young girls and women when facing gender challenges?
JUDGE MAHUBE BETTY MOLEMELA	My advice would be for them to hang in there, I wish to say to them I have been through it myself, many of my predecessors have been through it but against all odds a lot of women have made it out there – not only in the legal profession, but in many other male dominated professions. The challenges that women face have now been documented. It is for us to work on them and they are being worked on. And it is disconcerting for me to realize that we have more females graduates graduating and entering the profession, serving articles, but the statistics show that they don't remain in the profession. Once they get admitted, they move to other areas and the reasons are not hard to find. The legal career is a very, very demanding one but then women need to have children and when we have children we leave our offices and we go on maternity leave sometimes we stay a year or two looking after our children and by the time we come back, we find that other people have progressed. Things like flexi hours should be put in place in legal firms to ensure that the necessary support is given to women so that they don't opt out of the profession and they stay there.
DR. MALKA	It's interesting that you say that, because I think it's so important for a young woman who has gone through the labour of undertaking her studies, achieving to her level but then not be in a situation where she now has to compromise between her career and choose to have a family. It shouldn't be an either or. It should be a way of being able to integrate those elements and have a whole and rounded life.
JUDGE MAHUBE BETTY MOLEMELA	Yes indeed it is like that, but then they should really not be discouraged. I mean I became pregnant whilst I was busy serving my articles of clerkship and in terms of any contract of articles, you may not be absent for more than 30 days. So what I had to do is that I took maternity leave when I was about two weeks away from delivering and by the time the baby turned a month old I was already back at work to ensure that I am not absent for 30

	days. It was very, very difficult but here I am and I mean this is not only my own story, unique story - it's a story of so many women out there.
DR. MALKA	But it is proof that it is possible.
JUDGE MAHUBE BETTY MOLEMELA	It is proof that it is possible.
DR. MALKA	And I think also speaks to the fact that you haven't mentioned but I'm assuming that there is a strong, enabling, supportive structure and environment that you rely on to help look after the children and accommodate those needs.
JUDGE MAHUBE BETTY MOLEMELA	Yes I have a very strong support system within my family. So that helps quite a lot. I think one of the things that have contributed to my success is the strong support structure that I have, you know I am talking about the support of family. This ladies is something that is very, very important because it keeps you grounded. I had less stress because I always knew that my children were well taken care of in my absence. Now a strong support structure is very helpful but we must always remember that it is not a substitute for our own love and tender care for members of our family. So difficult as it is, always try to make time for your loved ones and make room for some quality time with them.
DR. MALKA	Now Justice Molemela, one of the questions that I ask all my guests on this program who have made tremendous achievements in their respective fields of expertise, is about the factors that contribute to their success. One of the areas that you tapped on briefly was about perseverance in the face of adversity particular gender challenges. Other people talk about women who have had a big impact on their lives, whether it be their mothers, the grandmothers – in your opinion what are the key drivers to your success?
JUDGE MAHUBE BETTY MOLEMELA	It's a mixture of factors, there are many contributing factors. Yes perseverance, focus, dedication – but I had a very good role model to be quite honest – my own mother. She was a fearless woman and she was just oozing energy all the time, you know she had an abundant flow of positive energy and I really looked up to her and I find myself having that kind of energy you know. I also happened to have had interacted with very influential women, my first job was as a prosecutor at the Thaba'Nchu Magistrate's court and it so happened that there was a lady there that was a magistrate Kgomotso Moroka she was a magistrate at that time and she has been my role model ever since - very, very strong woman. After I had resigned from there and joined the legal profession, she also resigned became an attorney and went on to become an advocate and we belonged to the same organization, the Black Lawyers Organization so our paths crossed again and we met and we interacted a lot and she has been my role model. Very strong woman, very intelligent, competent, forthright –she speaks her mind, she is also fearless. Ja, there are a lot of women that I look up to.
DR. MALKA	And I think that's a really important point that you make is the fact of mentorship and having the right role models. Because if your paths haven't crossed, you may not have been exposed to those types of possibilities for women and then to tap in and keep that hook and keep the relationship going, to understand that these dreams and ideals are achievable.
JUDGE MAHUBE BETTY MOLEMELA	Yes, that's why women should not try to be islands you should belong to these organizations and network with other women. You gain strength from there and that's where lessons in leadership are obtained.

DR. MALKA	And often we have very informal networks, and I think when you have the formal networks because these are professional networks and that's another difference.
JUDGE MAHUBE BETTY MOLEMELA	Yes these professional networks are very important in terms of coaching and mentoring – you interact with people who have gone through the same problems and who have gone beyond that and have succeeded. And you now also see for yourself that actually there are challenges, but these challenges are surmountable because here are the people who went through the same challenges and are still successful.
DR. MALKA	Can you please share with us some of the pivotal moments in your life growing up?
JUDGE MAHUBE BETTY MOLEMELA 28.33	Doctor, I grew up in the township and I think all black people will tell you the same story about growing up in the township. The exposure to all that poverty, all those inequalities and things like that. We had a bucket system in the place where I come from I grew up in a place called Cape Stands in Bloemfontein. I will spare you the details but we had to suffer the indignity of having all those buckets lining up in the street, whilst they are waiting for collection and things like that. It is things that you could not you know, close your eyes to. Inequalities that really stared you in the face. And I had an aunt who was staying at a convent in the suburbs so she would come and visit us during the weekends and we would take her back and I would see all those beautiful houses there in the suburbs and those stark inequalities really stuck in my mind and I always ask myself why is this happening and how can this be addressed. Then of course we had 1976, the 1976 unrest which really opened everybody's eyes. Then I went to a boarding school in Thaba'Nchu and there was an attorney there, a very successful male practitioner Molefedi Teko he in fact was the very first black person to be appointed as an attorney in the Free State. And he was successful and everybody was talking about him and you know that's what strengthened my resolve to really follow the legal profession. I felt that I had a role to play and all I needed was to study and then to get an opportunity.
DR. MALKA	Well I think that's a fantastic achievement.
JUDGE MAHUBE BETTY MOLEMELA	Thank you
DR. MALKA	Also, in terms of it wasn't just the inequalities that you experienced, but it was about making a difference for the inequalities that everybody else was experiencing.
JUDGE MAHUBE BETTY MOLEMELA	That's right.
DR. MALKA	And I think that is one of the most takeouts. And lastly in the segment I wanted to ask you what is the best lesson that you have learned throughout your career?
JUDGE MAHUBE BETTY MOLEMELA	I have learned that you need to be patient, there is no overnight success. I have been around the block. I was a prosecutor and then I became an attorney, I have done many other things, I have been a lecturer, I have been an arbitrator and so on and so on. And the lesson is really there is no overnight success, you really have to work hard. I read a book by Malcolm Gladwell and there he talks about the ten thousand hours that you have to put in, in order to achieve expertise and that's irrespective of the fact that you already have talent. So you may be having talent, you may be having the skill but you need to practice, practice, practice – you need those ten

	thousand hours which is approximately 8-10 years you need to be patient. So that's the lesson that I have learnt.
DR. MALKA	I attest to his philosophy and to your lesson.
JUDGE MAHUBE BETTY MOLEMELA	Ja, patience does pay and so never give up on your dream.
DR. MALKA	Today we are talking to Justice Mahube Molemela who is the first female appointed Judge President of the Free State Division of the High Court.
AD BREAK	
DR. MALKA	You're listening to Womanity – Women in Unity on Channel Africa, the Voice of the African Renaissance on frequency 9625 kHz on the 31 meter band, also available on DSTV channel 902. Today we are talking to Justice Mahube Molemela who is the first female appointed Judge President of the Free State Division of the High Court. We would love to receive your comments on Twitter @womanytalk . In the previous segment Justice Molemela spoke at length in terms of some of the key attributes whether it is perseverance, focus being dedicated as important lessons as factors of success. She also spoke about the influential role of networking and the various attributes that women derive out of that whether it is through mentorship, through role modelling, through shared experiences and exposure. Now Justice Molemela in closing our discussion today, could you please share a few words of inspiration which you would like to pass on to women across the continent who are listening to the show?
JUDGE MAHUBE BETTY MOLEMELA	I will say women dream big. Dream big and hold onto your dream, no matter your circumstances. There will be many potholes that you may have to negotiate but just never give up. Whatever you dream is, it is achievable. However there is a condition – you have to work hard. There is no substitute for hard work, talent alone just won't cut it, and so I would say it is 10% inspiration and 90% perspiration. You do really have to work hard to survive. For you to achieve success especially in the legal profession which is a very demanding profession, you really have to work hard you just have to have that habit of working hard and you must always be prepared to you know in the words of Steven Covey in his book The Seven Habits of Highly Successful People, he talks about sharpening the saw, always try to improve. Do things to improve. Study more, achieve more, acquire more qualifications do something to improve where you are. And remember that you are a brand. Every single person is a brand and live up to your brand. That's the advice that I will give them
DR. MALKA	I think those are wonderful expressions but particularly the importance on living up to your personal brand because it is so true. You are unique as an individual and you have a responsibility on how you represent yourself and how others see who you are.
JUDGE MAHUBE BETTY MOLEMELA	Absolutely, absolutely.
DR. MALKA	Thank you so much for joining us.
JUDGE MAHUBE BETTY MOLEMELA	Thank you doctor it was a pleasure being here.
DR. MALKA	You have been listening to Womanity - Women in Unity on Channel Africa, the voice of the African Renaissance and we have been talking to Justice Mahube Molemela who is the first female appointed Judge President of the Free State Division of the High Court.

END OF PROGRAM