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**GUEST NAME: JUSTICE MANDISA MAYA – JUDGE PRESIDENT OF THE SUPREME COURT OF APPEAL**

<b>SPEAKER</b>	<b>TRANSCRIPTION</b>
DR. MALKA	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	Joining us on the line today from Bloemfontein is Judge President of the Supreme Court of Appeal Justice Mandisa Maya, notably South Africa's first female Judge President of the Supreme Court of Appeal; she was also the country's first female Deputy Judge President of the Supreme Court of Appeal. Justice Maya's career in the legal profession has spanned almost three decades; some of her former roles include being High Court Judge, Acting Judge at the Labour Court, in the Supreme Court of Appeal, the Constitutional Court, the Supreme Court of Namibia, the Appeal Court of Lesotho. Being a Judge as well as Deputy President of the Supreme Court of Appeal and now being Judge President of the Supreme Court of Appeal; her appointment to this position elevates her to the third highest position in the judicial branch after the Chief Justice and Deputy Chief Justice. Welcome to the show Justice Maya!
<b>JUSTICE MAYA</b>	<b>Thank you for having me Dr. Amaleya.</b>
DR. MALKA	Justice Maya approximately a year ago we were going to have an interview...
<b>JUSTICE MAYA</b>	....yes...
DR. MALKA	...and I must say that I'm quite glad that we didn't have it then because when I reflect on my research, at the time I read there were announcements saying Justice Mandisa Maya made history as the first female to be appointed as Deputy President of the Supreme Court of Appeal and now you're hitting the headlines again with a new picture and a new record as the first woman to be appointed to the highest office of the Supreme Court of Appeal since the establishment of the court in 1910 and I'll read a quote from Jacob Zuma stating "her appointment to this position elevates her to the third highest position in the judicial branch after the Chief Justice and Deputy Chief Justice"; so can you please share with us a little bit more about your position as Judge President of the Supreme Court of Appeal?
<b>JUSTICE MAYA</b>	<b>Yes. Well let me start here, the core of judicial work is the same whether one sits as a judicial officer in the .....court, the high court, the constitutional courts or any other court for that matter, it's simply to hear and decide cases. The only difference about my new position now is that instead of just hearing and deciding cases I have to ensure I've assumed responsibility for the overall running of my court, the Supreme Court of Appeal, ranging from allocating work for my colleagues to just seeing to it that the administrative side of things in our registrar's office everything is really done properly so that...so in addition to becoming a judge sitting in court I've become an administrator as well, I mean that's the simplest way I can explain it, I've become an administrator as well.</b>
DR. MALKA	And often that is quite a burden on the administration side to make sure that the ship is sailing smoothly.

<b>JUSTICE MAYA</b>	<b>Indeed, administration as we all know is relentless, it's relentless, it never ceases but someone has to do the work.</b>
DR. MALKA	And we're glad that it has landed now in the role of a lady such as yourself. Justice Maya referring to some of your decisions the Johannesburg Bar Council said "these decisions demonstrate her excellent grasp of the law, including constitutional law in wide ranging and complex issues. Her clear sensitivity to the vulnerability of women and children emerges from these decisions and has received support from the constitutional court. Her knowledge of the law and her ability to apply it makes her an asset to our judiciary". Your professional achievements have already broken glass ceilings which paves the way for other women to follow in your footsteps, can you share with us some of the goals that you want to accomplish in your role?
<b>JUSTICE MAYA</b>	<b>Well let's start with the collective objective of the judiciary, our judiciary, which is to ensure that all South Africans have access to justice especially having regards to our history, you know, not everyone, in fact that's an understatement, the majority of our people, South Africans, do not have access to justice because they simply cannot afford to litigate and vindicate; defend their rights so that is what we are all concerned with primarily but my special focus is the diversification of the bench that is the judiciary which is demanded really by our constitution and diversification especially in terms of gender because we still have very few women judges in the South African judiciary so I'm looking to ensure that women, South African women are adequately represented in the South African judiciary, that's my simple...my single goal.</b>
DR. MALKA	It's a very noble goal and I would imagine that that would be part of the legacy that you'd like to leave behind as your stamp on what you'd achieved.
<b>JUSTICE MAYA</b>	<b>Indeed.</b>
DR.MALKA	Staying on that vein a few years ago South Africa's Women Empowerment and Gender Equality Bill lapsed and its principle aim was to promote and achieve equality for women across the board; what do you think about legislation in relation to closing gender gaps whether that is in regard to pay, promotion or position?
<b>JUSTICE MAYA</b>	<b>The question whether there is need for such legislation is one of policy which I don't think would be proper for a judge, especially a certain one to answer for various reasons but wearing a woman's cap, I'm also a woman, I'm not just a judge and I think I have a right to answer it. I would say a big yes, definitely, that kind of legislation would go a long way towards redressing you know the injustice that is still perpetuated against women in the workplace, not just in Africa but universally I mean we just heard a very surprising, shocking story about what's happening in.....in America, in the first world where one would have hoped that you know things are conducted properly, one would like to think that is an enlightened progressive field but we learn that universally women are still on the back foot, even when they are actually you know well qualified to be in the positions they hold, they do not get paid...they don't get the same treatment in the workplace as their male counterparts so that legislation would be a good place to start. We simply cannot leave it to the conscience of those in power, the decision makers to decide that...decide and ensure that women are afforded equal treatment in the workplace.</b>
DR. MALKA	And how....legislation for me is one thing but the challenge that seems to be consistently out there is implementation of legislation.

<b>JUSTICE MAYA</b>	Yes.
DR. MALKA	Given your experiences how do you think we could go about implementation?
<b>JUSTICE MAYA</b>	<b>Look it is always a challenge but I have a ready answer in the South African context, the Employment Equity Act, we have seen it actually work and people do not hesitate with the help of the NGO's and others with the necessary resources, they don't hesitate to go to court and show that what the law actually entitles them is given to them so I don't think it would be you know we should be...feel pessimistic about having such laws put into place and once it is...with the machinery is there let's all help one another, you know, educate our people, let those in the lower rungs of the job market know that there is such legislation and when their rights are threatened in any way help them to use the courts to vindicate them.</b>
DR. MALKA	So making the law work for us and being pro-active about that when someone does come across an issue which contravenes their rights or that they feel that an injustice has been...has incurred that they take matters forward accordingly. In all my interviews throughout the different shows there's one topic which keeps re-occurring and that's the fact that real change requires us to put an end to gender discrimination and sexism and similarly I found in one of your works where you spoke about, and I quote "the critical problem of inherent sexism in the legal profession which mirrors many other sectors across our society"; in your opinion how should this type of discrimination be corrected?
<b>JUSTICE MAYA</b>	<b>Well I will use the same answer we just touched upon now, legislation. Let's put legislation in place, relevant legislation.</b>
DR. MALKA	And make it work for us.
<b>JUSTICE MAYA</b>	<b>Make it work for us.</b>
DR. MALKA	You hold three university degrees; a BProc from the University of Transkei, an LLB from the University of Natal and an LLM from Duke University in the United States where you were also a Fulbright scholar; can you share with us your experiences across the different institutions from an education perspective?
<b>JUSTICE MAYA</b>	<b>Well in the legal field...I'm just casting my mind back now it's been a while since I was.....</b>
DR. MALKA	....it's a good few years ago....
<b>JUSTICE MAYA</b>	<b>....I recall that throughout my educational career there was no shortage of women students in my classes and women were always the brightest lot, as you know, as we would all expect, it is a scientific fact that women tend to do much better than their male counterparts in the classroom but the challenges I can recall now, and this is not just isolated to my universities in South Africa but in the US as well, was that...I don't want to say one was subjected to sexism but the lecturers never...I do distinctly recall that there would be those male lecturers, who were in the majority by the way, there were very few women professors in all institutions up to the one in Duke University in America. They would never give the women students, you know, the same attention, the same time in the classroom as they did the male students and one had to fight their way to...you know to ensure...to raise their hand and give the question that is posed in class, you raise your hand high until the teacher points you out to answer it and I think that kind of treatment that I received then one finds in the workplace as well and not just in my field which is male dominated, that women tend to become invisible, you know, they are not...if you are sitting in a group of...among a group of colleagues for example and legal issues are discussed you will say something, raise an idea and no-one will pay it any attention, a few seconds later a male colleague repeats the very same thing you just said and</b>

	<b>suddenly you know it's a light bulb moment and everybody gets animated and it's just that kind of treatment that one has had to you know to fight from the classroom to the workplace, always having to fight, you know, to make yourself to be seen, just to be seen and then be heard and accorded you know respect for your views, which by the way would have been worth something. That's the best way I can put it Dr. Amaleya, I don't know if I've answered the question coherently or if it makes any sense?</b>
DR. MALKA	I think it's given your perspective and the journey that women face as a reality and replicating things which have happened not just within the classroom but also being real life concerns in the workplace to increase the visibility of women.
<b>JUSTICE MAYA</b>	<b>Yes, yes.</b>
DR. MALKA	Given that experience that you've lived through, how do you think we can overcome it, how do you think that women can become more visible and that their opinions and the work that they do are taken more seriously?
<b>JUSTICE MAYA</b>	<b>You know putting women in positions of authority is very important especially to address that problem because if you have a woman running an institution, then she will ensure...and if she does not have the consciousness to do that then it's our business, our collective business to constantly remind her that she has a particular responsibility to uplift other women, that woman is in a position to increase the number of women in that particular environment and the more women you have, then you know .....I've experienced this, numbers do tend to have effect, the more numbers, the more women you have in any environment the more they are seen and you know they are seen. I can't put it any higher than that.</b>
DR. MALKA	It's a physical presence.
<b>JUSTICE MAYA</b>	<b>Yes, that matters a great lot and it would of course not just be women, any woman, but women who can add value in that particular you know setup.</b>
DR. MALKA	And I suppose having more women in these places it's also the fact that (a) it's demonstrating that women are capable of doing these roles and the visibility factor also shows to other people whether it's a younger woman who aspires to emulate or to indeed the men folk that are around, that women can do these roles.
<b>JUSTICE MAYA</b>	<b>Yes it has a very important psychological effect when other women out there see that my goodness here's another woman doing something that we did not think women could do before and she's doing it and doing it well, it's inspiration for them.</b>
DR. MALKA	I think building female leadership capacity is vitally important for the future of women in our country and indeed across the continent...
<b>JUSTICE MAYA</b>	<b>...it is and across the world.</b>
DR. MALKA	Yes and having them in positions of power and also positions I'd say of prominence and it does surprise me how few countries have had female presidents. How do you see female leadership in Africa and do you think that more countries are ready for women presidents?
<b>JUSTICE MAYA</b>	<b>I just find it tragic that you should be asking me that question today, in this century but yes, it's a sample answer is yes.</b>
DR. MALKA	And the ones that have been I think have made tremendous achievements, the one who comes to mind immediately is Ellen Sirleaf Johnson of Liberia who has now....
<b>JUSTICE MAYA</b>	<b>...exactly...</b>

DR. MALKA	...stepped down on her role...
<b>JUSTICE MAYA</b>	<b>...who has done a wonderful job you know running a country that has been ravaged by war and strife and she has done amazing things.</b>
DR. MALKA	And on top of that having the Ebola epidemic and coming right.
<b>JUSTICE MAYA</b>	<b>Yes, my goodness, human memory I'd even forgotten about that.</b>
DR. MALKA	You are 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 802. Today we're talking to Judge President of the Supreme Court of Appeal Justice Mandisa Maya. We would love to receive your comments on Twitter:@WomanityTalk.
DR. MALKA	Justice Maya today you have become a role model, we were talking about role modelling a few moments ago, providing evidence to many women and girls in South Africa and indeed across the continent that with hard work and personal sacrifice everything can be achieved. You gave us a few glimpses in terms of some of the challenges that you'd experienced on the invisibility that women experience; can you share with us what your advice would be to young girls who want to follow in your footsteps, whether that's through the educational route that they need to take or some of the rich advice that you've learned through the wisdom of your experience?
<b>JUSTICE MAYA</b>	<b>I don't have any new ideas. It is still hard work and determination Dr. Amaleya that get's one anywhere, anywhere at all in all walks of life but women being women we know experience the kind of challenges that they do, so support becomes key and that is why it is very important for all women to support one another. I have found, my experiences....my experience has been that there is nothing more valuable than being supported, whether it is by a mere word of encouragement for those who can't afford anything more, up to making sure that one uses their authority, their power to uplift other women if they're in a position to do so. So we say that hard work and determination, believing that....self-belief, I forgot, self-belief is very important. One needs to constantly remind themselves that they can achieve anything if they put their mind to it. It is true.</b>
DR. MALKA	So having that focus and drive to strive for your success...
<b>JUSTICE MAYA</b>	<b>...yes...</b>
DR. MALKA	...regardless of what happens...
<b>JUSTICE MAYA</b>	<b>...regardless of the challenges and there will be many, there are many challenges on the road to success.</b>
DR. MALKA	We were talking about perceptions and I guess in a way the way that men are judged differently to women and women are judged differently to men and I recall there was an interesting study by McKinsey which raised issues of likeability bias which says that success and likeability are positively correlated for men but negatively correlated for women. So in other words if a woman is competent she doesn't seem nice enough but if she seems nice she's considered less competent...
<b>JUSTICE MAYA</b>	<b>...yes...</b>
DR. MALKA	...and often this bias surfaces in the way in which women are described and it affects their performance reviews and their promotional capabilities. Then we have on the other hand that when a woman asserts herself she's often called aggressive, ambitious or out for herself, but yet when a man does the same thing he's seen as confident and strong....
<b>JUSTICE MAYA</b>	<b>...ja...</b>

DR. MALKA	...and as a result of these types of double standards women continuously face penalties in the workplace; what's your opinion on the subject?
<b>JUSTICE MAYA</b>	<b>Look unfortunately those are the double standards that we have to contend with but I'd still urge women just to be themselves, just to be themselves and let people take you as you are or not take you at all and I've learned that if you do your work well people tend to assert you and they see the results, ultimately they will assert you. Unfortunately you know it's just unfortunate that we have to go to experience this unfairness, you know, before our real work can be actually appreciated but it is what it is but my own practice is to just be myself and we have fortunately for us, we are naturally good managers and I think ultimately that just shines through. We are able to manage situations far better than any other individual on the planet and that at the end of the day wins the day.</b>
DR. MALKA	So it's playing into your strengths.
<b>JUSTICE MAYA</b>	<b>Yes you don't have to be...to try to behave like a man or try to be what the men around you expect you...demand you to be, just be your own self and that's it...</b>
DR. MALKA	...true and having...
<b>JUSTICE MAYA</b>	<b>...you can't be anything other than that in any event.</b>
DR. MALKA	Yes and having the tenacity to stick things out, so once it's almost having overcoming the hurdles, the initial approvals, disapprovals and then as you said your work can speak for itself.
<b>JUSTICE MAYA</b>	<b>For itself.</b>
DR. MALKA	Another subject that I find keeps re-occurring is that our working world is designed around what I'd almost term as men's hours whereas society we could potentially be losing half of our best multi-taskers from the workforce due to the traditional expectations that women are required to do...
<b>JUSTICE MAYA</b>	<b>...yes...</b>
DR. MALKA	...so reforming their timetables according to family needs; don't you think in the 21 <sup>st</sup> Century it's about time that something has to be done to restructure in order accommodate women's multiple roles?
<b>JUSTICE MAYA</b>	<b>It is about time and that is one of the things that we are trying to achieve in the judiciary that women, women's special needs are identified and accorded, you know, the attention they deserve and I think if we make enough noise, and we are, we will achieve what we want.</b>
DR. MALKA	And on a practical level how would you see that being implemented, is it in terms of flexi-time?
<b>JUSTICE MAYA</b>	<b>Flexi-time is one obvious example and the...in my type of work we are fortunate because judges work on flexi-time in any event, although there are times when you know once family responsibilities will interfere with their usual working schedule and then it is then that the need arises for special consideration to be given to those needs and I can think of an example and this is the question that has a reason in judges interviews, you know, time and time again. A mother who has young children, a judge who has young children and one of the judges tasks is to do circuit court duty which is travelling to the outlying areas of our country to take justice to those parts of the country and just make it easier for those communities, you know, to access justice rather than travel at great expense which most of our people cannot afford you know to go and seek help in the bigger centres. Now you have this woman judge who has young children, say she is working...her portrait is Johannesburg, the Johannesburg High Court</b>

	<p>and she is expected to do circuit court duty in some far flung area outside Johannesburg, what is going to happen to her children when she is gone for two weeks you know at the and two months at most and we have suggested that...we have pushed for judges president...the heads of court to you know realise those needs and afford them special treatment. If a woman judge has young children do not send her to far off places, I mean those are simple things one can do, just make sure when you allocate work that you give them more work you know in places where she will find it easy to commute and spend you know time with her family on a daily basis or as often as .....putting those measures in place and in my profession we are doing that, pushing for those things and we are seeing success.</p>
DR. MALKA	And it seems to be such common sense.
JUSTICE MAYA	...yes it is....
DR. MALKA	...but obviously you know we want things to be balanced and that everyone's got fair opportunity and how they deal with their workloads. Reflecting on your career, what would you say has been one of the most significant cases that you've presided over or seen a significant change emanate from?
JUSTICE MAYA	<p>I always find that question difficult to answer because it's litigant to go to a court of law you know, view their cases, it's usually a matter of life and death for them whether it's a litigant facing eviction or a litigant who is a victim of crime, a rape victim or some such victim but I have found the most...the cases that you know tasked me the most, that exercise my conscience in addition to my mind the most, those in the criminal law sphere, especially cases which involve violence against women and children. In the current climate in South Africa where women and girl children are fair game to you know to all sorts of assault, especially sexual assault and I would say it is those cases collectively where one was able, you know, to secure...to help this state secure a conviction and impose a sentence that one hoped would send a message, hope against hope that we send a message to other would be offenders out there not to perpetrate violence against this vulnerable class of our communities. One has done many cases across the legal spectrum you know and I have not found them as important as this particular class of cases.</p>
DR. MALKA	And it does speak to your passion point in terms of upholding the law for women and driving through everything about making environments more conducive and more supportive for women, whether that is in the judiciary itself or the everyday lady on the street.
JUSTICE MAYA	Yes.
DR. MALKA	Now Justice Maya we're starting to draw towards the end of the programme and one of the questions I ask all my guests on this show who've made tremendous achievements in their respective fields is about the factors that have contributed to their success...
JUSTICE MAYA	...yes...
DR. MALKA	...in your opinion what have been some of the key drivers to make you who you are today?
JUSTICE MAYA	<p>Look I wish I had heart rending story to share but mine is very simple. I was just lucky to be born to two teachers who came from very humble origins and had used education you know as a tool to escape poverty and a tool to uplift their communities, so they from a young age, I and my five siblings....I'm the eldest of a large gaggle of children, we were taught the value of education and that's what nurtured me and it was the b and all, we</p>

	were told that when you are a child you should be at school, cultivate a love for books and that's it, no boyfriends, nothing until you are old enough, whatever that meant and then from school it's work so I was raised in that kind of background and it helped me.
DR. MALKA	Well with three degrees under your belt we can see that influence very clearly.
<b>JUSTICE MAYA</b>	Yes.
DR. MALKA	Can you share with us some of the pivotal moments in your life growing up?
<b>JUSTICE MAYA</b>	<b>The one moment that stands out in my memory is...it happened during the riots of 1976, I was twelve years old doing what was called standard six, grade eight then and we were forced...we had heard rumblings about what had happened in Soweto, the student uprising where school children had been, you know, shot at, assaulted by the police because they were protesting against a policy that sought to compel all schools in the country to teach children in the Afrikaans language which we viewed then as the language of the oppressor, those who ran this oppressive regime at the time and suddenly we were taken out of the classroom by a group of older students and when we got outside we saw that there were hundreds, literally hundreds and hundreds of school children out there and apparently a group of the older students had been going around the township, I was in Kinglands Town in the Eastern Cape, they'd been going around the schools collecting children to form a protest in support of what was happening in Johannesburg and my brother who is six years younger than me was only six at the time and he had just started grade one at a nearby school; I saw him the way....all sorts, you know, all sorts of school children young and from primary school through to high school, even the youngest and my little brother was there and I think it was a very lucky co-incidence that I was able just to see him like that so I ran to him and grabbed him by the arm but then we protested and as luck would have it, you know, the march went past our home and we managed to slip away unnoticed and went into the house and just minutes later the police attacked and a lot of those pupils were injured and that moment, you know, has stayed with me. I was young then to comprehend what was actually happening and I got to understand much later and that moment combined with just the ordinary life of a black South African in South Africa, you know, are what propelled me towards the direction I took really. It was not an easy...sorry, it was not a difficult decision for me to choose law because my generation had grown up in the throes of apartheid, daily seeing you know the injustices that were being perpetrated against black South Africans and those were pivotal moments of my life, especially that day in 1976 when we were taken out of the classroom to join the struggle against oppression.</b>
DR. MALKA	It sounds like it was a very poignant, powerful memory that came through and was a real catalyst in terms of you becoming who you are today to drive change to ensure that injustices don't happen, that we have appropriate legislation in place and that the wrong laws are negated.
<b>JUSTICE MAYA</b>	Yes.
DR. MALKA	And now lastly Justice Maya in closing our conversation today could you please share a few words of wisdom that you'd like to pass onto young women and girls that are listening to us in the continent?
<b>JUSTICE MAYA</b>	<b>Well let's see. I will just remind all women, young and old, that we as women have proved time and time again that no-one is stronger, no-one is more resilient than a woman, there is absolutely nothing that a woman cannot do, cannot achieve and we should never let anyone tell us otherwise.</b>

	<p><b>What we must do now is to just support one another in any and every way we can as women because we can't expect men to give us this equality we are clamouring for, yes they have a responsibility to do that but I think the time has come to take it by force and we must encourage one another along the way as we try to achieve that. As I said earlier we all have the capacity to you know to help one another as women, even if you are poor, you have nothing you can encourage another woman if you see that they have the potential to do something, to achieve something and if you are like me have been lucky enough to get into a position of authority, a position of power to bring about a change not just for women you know but everyone around me then use that authority to uplift others. So women must remember that you know that they can achieve anything that they put their mind to and have a special responsibility to support one another. That is my message.</b></p>
DR. MALKA	<p>Thank you I think it's a very important message, the social responsibility aspect and to not just be in it for yourself but to look out for others.</p>
<b>JUSTICE MAYA</b>	<p><b>Yes that is very important.</b></p>
DR. MALKA	<p>Thank you so much for joining us today we really appreciate it.</p>
<b>JUSTICE MAYA</b>	<p><b>Thank you Dr. Amaleya, thank you so much for having me.</b></p>
	<p><b>PROGRAMME END</b></p>