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PROGRAM NAME: WOMANITY – WOMEN IN UNITY

GUEST NAME: JUDGE KGOELE – MPUMALANGA DIVISION OF THE HIGH COURT

SPEAKER	TRANSCRIPTION
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 for our series on Women in The Judiciary is Judge Kgoele from the Mpumalanga Division of the High Court. Welcome to the show Judge Kgoele; it's a pleasure to have you on the air.
JUDGE KGOELE	Good morning listeners and good morning to you. I am so honoured to be on the interview today and thank you so much!
DR. MALKA	My pleasure! To start with, did you always envisage a legal career and eventually being part of the Judiciary?
JUDGE KGOELE	Not at all; I have to explain this a little bit.
DR. MALKA	Yes, please do!
JUDGE KGOELE	Yes, coming from a rural village called [Gomogomo] I did not at all have a vision of going to the university. Initially I thought I would become a switchboard operator during those times, those olden days, but my principal then and the teachers at school had called me to a meeting where they asked me what I was going to do after matric and I told them about this switchboard operator thing and they immediately started the forms and made me to fill the forms to go to a university and also caused me to apply for a bursary because my mother didn't have means to pay for my schooling, my mother was not working at that particular time. So, when we were filling those forms, I opted for social worker, I thought that I will be a social worker, but when I arrived at the university unfortunately I could not register timeously and when I found that I couldn't register for social worker, the other students who were from the same school as me just influenced me and said I should do law and that's how I started doing law.
DR. MALKA	I think that's a lesson of the type of elements that young people are exposed to in terms of the opportunities and the horizons, if you're never exposed to the opportunities of law, of having the funding to proceed, it's not even part of your consideration.
JUDGE KGOELE	Yes, yes, you are right. During the olden days we did not even have, I remember we didn't have any career guidance thing at school at all, so even law was not even in my thoughts.
DR. MALKA	Having started that journey, can you take us through some of the milestones on your way to becoming Judge of the Mpumalanga Division of the High Court?
JUDGE KGOELE	Yes, after graduating from the university I was forced to go and work, I wanted to continue but I was forced to go and work because I did not have money, but then the bursary that I was awarded wanted me to either pay them the amount or work for them, so I had to opt for working for them. So, I started as a prosecutor at Taung Magistrate Court and then I also became a control prosecutor, thereafter, immediately after that, I think within two years I was appointed as a magistrate and whilst I was appointed as magistrate I was also requested to head the office of the magistrate and here I have to mention that I was very reluctant to take that position as acting head because there were other senior officials, who in my

	<p>view were supposed to be taking that position, but they said no, I have to take it. So, I also had to be transferred to Pampierstad Magistrate Office where I was head of office and at the same time I was also requested to also head an office at Ganyesa, which was about 200 kilometres from where I stayed because the magistrate there was demoted, the office was having a problem. So I was heading two offices at the same time, and I was then also requested later to go to Magistrates Upington where I became a Senior Magistrate and it was during that era when the democracy started because they wanted to transform this office, it's a white dominated office, so I had to go there to effect transformation there and later, because I saw that I have done all of this prosecuting, been there, magistrate, been there, head of office, I wanted something different. Then I opted to go to Justice College, which was a college that was training magistrates, so I then became a trainer for magistrates and whilst there I also applied for a senior post, a regional court post, but whilst there I then there was this course, fast-tracking of women to become judges, I applied for it. Fortunately I was selected to participate and then I participated, I did well, I was then called as an acting judge and a judge of the high court and now in Mpumalanga.</p>
DR. MALKA	<p>Having gone through that journey, there must have been some significant cases during your career; can you tell us about a couple that have stayed with you the most?</p>
JUDGE KGOELE	<p>The one that I did when I was still at Justice College because I was roped in to come and help in that famous case, the [Nkuna] Case, that is where a young girl in Themba was killed and the body could not be found and it stayed with me because at that particular time I was lecturing in evidence, so dealing with a case where the body could not be found entails a lot of dealing with the evidential part of the hearing and it stayed, but more particularly because that case was one of the gender-based violence that stayed with me. The other one that I can mention is a case again of a gender-based violence, where this gentleman around Mafikeng there raped and killed this young girl, but what stood out for me or what stayed for me is that during the rape, immediately after raping, he then inserted a [reed] inside the vagina, which was long and even protruded outside the vagina, but when the paramedics found this lady, they then took her to the hospital while she was still alive. Unfortunately, it appeared that the reed caused more damage to the inside part of the woman's body, so as a result this woman stayed for about, I think two months in the hospital, very ill and she died I think a painful death because the whole body became toxic. You know, in my own view that was a very painful...imagine this woman having experienced a rape and then having now experiencing this for the whole two months, she suffered quite a long time. The last one that perhaps I can mention is another one of Geraldine ... where the perpetrator here instead was a woman, this woman educator had a love affair with a young boy in a high school and she came up with a defence that she did not know that the young boy was still a minor, it was an appeal before us and I upheld her appeal and I also confirmed the custodial sentence. So this is one of the cases where even a woman, you know, we had no choice but to apply the law and found that the conduct is unbecoming and then he deserves the [custodial] sentence.</p>
DR. MALKA	<p>South Africa seems to be plagued with sexual violence, listening to all three of the cases that you've reflected on. One of the things that we've noticed or let's say from a media point of view is that there's a lot of talk that there's been an increase in gender-based violence, particularly against women, during our</p>

	national lockdown; how are you finding that within the court structures?
JUDGE KGOELE	Unfortunately at the moment being in the High Court, those cases are mostly dealt with in the regional court, but as you say from the media you can see that they are increasingly coming through, which is unfortunate, and I am of the view that then as women and even men, including men this time around, we have to find new strategies to deal with this and even to think about how we can deal with it in this Covid era, new strategies perhaps.
DR. MALKA	Well clearly our current strategies haven't been working across the board unfortunately, so I do hope that during our Covid era that maybe we can come up with better solutions.
JUDGE KGOELE	Yes.
DR. MALKA	Judge Kgoele, when we were talking earlier you mentioned that on your route to becoming a judge that you had participated in a programme which was about fast-tracking women to become judges and as our programme is all about gender equality, which is increasingly a global focus, I know that in your career between 2014 to 2018, you served as president of the South African Chapter of the International Association of Women Judges; please can you tell us more about this organisation?
JUDGE KGOELE	We call it the South African Chapter of the International Association of Judges because it is affiliated to the mother body, which is the International Association of Women Judges in the United States in Washington, so this is the Chapter in South Africa. We established it and the memberships are mainly magistrates and judges, but we do accept advocates and even attorneys, but we call them as friends of the Chapters. The membership of this association accept both male and female magistrates, judges or advocates or attorneys, currently, I think because when I left there when I stopped becoming a president in 2018, memberships were plus minus three hundred and fifty and I know it has increased, so we can safely say it is around four hundred members. The main objective of this association is to promote capacity building and judicial leadership amongst women in the judiciary and also to contribute towards ensuring equal justice for all South Africans. They also envisage a society that respects and upholds the human rights of women and seeks to actively promote women participation, advancement and leadership within the judiciary, but a further objective of this Chapter is to proactively support campaigns and programmes that shift stereotypical attitudes premised on race, class and sexual orientation and to promote social justice and coercion. We also seek to redress the scourge of sexual and gender-based violence perpetrated against women, children and other vulnerable groups. I may say that the Chapter, amongst the programmes that they do, are the following; we are having a JEP programme, (J-E-P Programme), in full it's called a Jurisprudence of Equality Programme, this programme focuses on judgement writing, especially for our members and even we also even sometimes engage international partners. We also have a series of legal and judgement writing programmes which we offer, which is designed to strengthen the capacity of judicial officers in the country. We also have a human trafficking combusting programme. We also have a mentoring programme for judicial officers, we also have programmes that we call a Family Dialogue Centre, where we engage the legal practitioners and judicial officers and all other stakeholders that are in the field of the family law where we talk to the communities and our flexi-programme again is one that we call a Mentoring of University Students. Currently when I left

	<p>the presidency, we had a huge programme in Gauteng Province, North-West Province, Free State Province, Western Cape Province and even KZN, to mention a few, the other provinces were still coming but here we had a huge number of students that we were mentoring. We also have a programme where we officiate at moot court for law students. We are also engaged in exchange visits to other countries like Malawi, we visited Kenya, to go and showcase what we are doing and also learn from them what they are doing because they are also having almost the same chapters which are affiliated to the mother body IAWJ and if I can mention a few other broad programmes. The Gauteng province has launched a very big programme where they are dealing with sexual and gender-based violence and we also have other social responsibility and outreach programmes, for example there are other provinces that do...that visit the prisons where especially women are incarcerated. We also have outreach initiatives focusing and support and mentorship of young girls, especially between 13 to 16 years, grade 12 learners and university students, as I've already said, and we also have programmes which are dealing with HIV and AIDS, we also have a programme that deals with health and wellness support for judicial officers and the Gauteng Province also did an outreach programme that deals with older persons.</p>
DR. MALKA	<p>It sounds extensive in terms of the different programmes that you're doing, incredible diversity, looking at a multi-factorial approach and addressing capacity building in a significant way; do you see these types of, well almost programmes or instruments, as being tools to help increase the number of female judges in the country?</p>
JUDGE KGOELE	<p>Yes, we do. I know that there are quite a number of women that are appointed as judges because of our association. I know that there are a number of women that were appointed to the higher positions, like in the Supreme Court of Appeal, I can mention a few in the Supreme Court of Appeal, Justice [Mocumie], Justice [Molemela], Justice...there are a number of them, the names don't come quickly, but for your information, Justice [Mandisa] who is the president of the Supreme Court of Appeal leads the position, Justice [Serona] who was appointed at the ConCourt, to mention a few, in fact there are a lot and I'm not only looking at the women that are appointed as judges, but if you look at the magistrates side, there are a number of women who are our members who participate in these programmes that were elevated to senior positions...the regional court president of North West by the name of Vuyo Noncembu, who served in various committees in the association, I'm just mentioning a few, there are a lot.</p>
DR. MALKA	<p>It must be so rewarding to see the fruits coming out of this type of programme where you're really seeing the tangible results with women moving up through the system and we know across every sphere of society that women have struggled to achieve equality; thinking back on the progress that we as society have achieved in recent decades, I always think that our history defines our present but our actions today are what is going to direct our future. Given that we are about to go into Women's Month, in your opinion, what areas do you think we need to build on the most to benefit women optimally in the future?</p>
JUDGE KGOELE	<p>Firstly I would like to say that the...to stress the very same issue about leadership. I think we need to build a pool of leaders and this time I'm not only talking about the judiciary, I mean in all the spheres of the government, in the judiciary, politically and even in the private sphere and I also think that we need to concentrate much on mentoring. Another area that I think that we need to look at is economic emancipation of women and</p>

	I think the last one that we need to increase on is what we had already talked about, coming up with new strategies of dealing with gender-based violence because as you know it's becoming now a pandemic also.
DR. MALKA	When I think about the points that you've just mentioned from a leadership and mentoring perspective, that really puts women in the public eye, it provides an opportunity, thinking on the leadership level, that they are visible, that people can see them, that people understand what women are capable of doing and then equally so on the mentoring side, I always consider that's a way of being able to give back to younger women to help nurture them so that they don't have to necessarily walk the journey that our leaders have taken, but they can also almost...
JUDGE KGOELE	...exactly....
DR. MALKA	...bounce off of, I mean there's that great expression where they say "standing on the shoulders of giants" and I see that as the opportunity of mentoring.
	AD BREAK
DR. MALKA	Today we're talking to Judge Kgoele from the Mpumalanga Division of the High Court. We would love to receive your comments on Twitter: @WomanityTalk.
DR. MALKA	In the previous section of our conversation Judge Kgoele spoke about poignant moments in her career, she also focused on the South African Chapter of the International Association of Women Judges and relayed some of her views in terms of what we could do to benefit women in the future from a point of leadership within the judiciary, within public office as well as in the private sector, promoting economic emancipation and also looking at developing new strategies of dealing with gender-based violence, which is increasingly becoming a pandemic in South Africa.
DR. MALKA	Judge Kgoela, one of the questions that I ask all my guests on this programme who have made tremendous achievements in their respective fields of expertise is about some of the factors that they consider have contributed to their success. Some people speak about perseverance, some people talk about a particular person in their life; could you please share with us what you consider to be some of the factors that have contributed to your success?
JUDGE KGOELE	I think in addition to being a hard worker and being able to persevere when it is difficult, I think the most important thing that pushed me is that I am a self-driven person. I think I can also mention the fact that I am patient and I am a good listener.
DR. MALKA	We can certainly see your self-driven qualities, for anybody in my opinion, who studied through the University of South Africa, which I think is a phenomenal institution, being a distance learning facility which allows you to work and study at the same time, but there you attained your LLB as well as LLM. Staying with your personal components for a moment; can you tell us who have been some of the strong women in your life?
JUDGE KGOELE	Justice Mucumi who is at the Supreme Court of Appeal, Advocate Malaga who is at the Johannesburg Bar; Advocate Joyce Maluleke who worked...is a gender activist, she started working at the Department of Justice and once having the gender directorate there and she also worked at the Department of women, she is now an advocate, but I think she is also going back to assist the Department of Women, Youth and People with Disabilities as from 1st of August as the DG there and also Justice Mandisa Maya who is at the Supreme Court of Appeal.
DR. MALKA	All phenomenal women, we've had the privilege of interviewing Advocate Maluleka as well as Justice Maya on our programme; it's nice to hear their names again...

JUDGE KGOELE	...oh...
DR. MALKA	...yes, and thinking back to some of the pivotal moments in your life growing up, what would you say has shaped you into becoming the person you are today?
JUDGE KGOELE	I think the first story about how I went to university, where my principal as the one who probably managed to see the capabilities that were in me and immediately after having attended the first year of university, the bursary didn't pay, so I had to go and stay home again without money and I had to look for peace jobs, one of the peace jobs that I got was again from my principal, who took me back at that very same school where I attended and I had to do private teaching during that and the little money that I earned at that particular time which was even I think it was around R180, I had to save it because I was owing at school and I was also, if I wanted to go back the next year I had to register, I did not have a thousand rand, it was a thousand rand to register, because my mother was not working. So, definitely I think that story, that process opened my eyes because I could not have been where I am today and another one that I can talk about it's when I attended that fast-tracking of women to the bench because definitely it gave me a springboard and confidence that I can be able to be a judge and now the last one that I can talk about is becoming a president of the Chapter. I did not want to become one, I did not apply, I did not...nobody even nominated me, I was just pushed in at that particular time, but I managed and I was able to showcase the leadership skills that I had learned when I was a magistrate during those years.
DR. MALKA	All those examples really speak to your tenacity and your self-driven motivation qualities. What would you say has been the best lesson that you have learned during your career?
JUDGE KGOELE	The best lesson that I have learned throughout my career is that I have gained the necessary knowledge and the understanding to appreciate the perspective of our people in the current circumstances.
DR. MALKA	That's such a significant life lesson.
JUDGE KGOELE	Yes and I didn't mention in as far as the Chapter, currently we are establishing a trust, we have established it, but we are still at the preparation stage, a trust that will be solely responsible for the training of women. I'm saying this because that programme of the fast-tracking of women stopped, it's no longer there, but we saw that it was significant in advancing a few women and quickly so to the bench, because after that programme about ten of us were immediately appointed to the bench, but it stopped, probably because of a lack of money and some others, there were also other opinions that why women, why should it be only for women, but personally I am saying why can't we be bold and biased and concentrate on women at this era so that the transformation, especially of the judiciary, can be fast-tracked. So we are establishing a trust where we are going to revise that particular kind of a programme, because we saw the importance of it and now this time around we are not only going to concentrate on women who are in the judiciary, because we are also including the legal fraternity as a whole, we will include the attorneys, we will include the advocates, we will also look at some students. There are various programmes that we have suggested, I don't want to waste your time, but I thought I should just mention this.
DR. MALKA	It sounds like it's a very empowering component to fast-track women and indeed why not have a programme that's dedicated exclusively to women?
JUDGE	Exactly.

KGOELE	
DR. MALKA	I recall having, in our conversation with the Ambassador of Australia and she shared a story where in one of the towns or provinces in Australia, they had seen from a police perspective that there weren't enough women coming into the force, so what they did was they said we are actually not taking in any men into this particular intake...
JUDGE KGOELE	...yes....
DR. MALKA	...it's exclusively women, because otherwise the gender ratio and balance just will never be achieved.
JUDGE KGOELE	We cannot achieve the redress that we want actually and now why are we establishing a trust because the problem is that we don't have the funds in the association, much as we are judicial officers that are active, we can't be actively be seen to be looking for donations; it compromises our judiciary independence. So, through a trust it will be better and then we will be able to get donor funding through the trust and then be able to deal with...to pay for women who are being trained and all those kind of things so that we can achieve what we want; faster this time around.
DR. MALKA	We wish you all the very best for establishing that trust and that it can continue to develop the good work that it's doing in terms of empowering women within the entire judicial value chain. And lastly Judge Kgoele, as we close out our conversation today, could you share a few words of inspiration that you'd like to pass onto women in Africa that are listening to us today?
JUDGE KGOELE	I think as women we have a duty to break and eliminate all the barriers that limits our empowerment as women. We can only manage by building bridges amongst ourselves so that we can overcome this, but we should also not forget to also build bridges with our male allies because they are very, very, very important. I think we should also not forget to take others by the hand and that's how we can win.
DR. MALKA	I think that offers both a component of inspiration as well as practical significance on cementing relationships between other women and building those bridges with our male counterparts. Thank you so much for joining us today; it's been a pleasure having you on the air.
JUDGE KGOELE	It's really an honour for me on my side also to be invited to participate on this programme, which is envisaged for the Women's Month and worse, because we are not going to have conferences, we usually have annual conferences where we talk about these women issues, but this year around, unfortunately because of Covid we are not going to have a conference, but thank you so much.
DR. MALKA	It's a pleasure to have you on the air.
	PROGRAMME END