



## SOUTH AFRICAN CHAPTER

**I**nternational **A**ssociation of **W**omen **J**udges  
*advancing human rights and equal justice for all*

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**Newsletter: December 2014**

### ***New Changes, a New EXCO***

The South African Chapter of the International Association of Women Judges held its 10<sup>th</sup> Annual Conference, marking its 10<sup>th</sup> Anniversary at the Sanlam Conference Centre, University of Pretoria, South Africa from 8-10 August 2014. The theme of the conference was

#### **“RESHAPING WOMEN’S PARTICIPATION FOR GENDER EQUALITY IN THE SOUTH AFRICAN JUDICIARY”**

At the Annual General Meeting on 9<sup>th</sup> August 2014, the New Executive Committee was elected for 2014-2016. They are:-

<u>PRESIDENT:</u>	Judge Anna Shane Kgoele
<u>DEPUTY PRESIDENT:</u>	Judge Thami Beshe
<u>VICE PRESIDENT PUBLICATIONS:</u>	Rochelle Francis-Subbiah
<u>VICE PRESIDENT PROGRAMMES:</u>	Shanaaz Mia
<u>SECRETARY:</u>	Vuyokazi Noncembu
<u>ASSISTANT SECRETARY:</u>	Lalitha Chetty
<u>TREASURER:</u>	El Marie Du Toit

#### **PROVINCIAL CO-ORDINATORS**

SOUTH GAUTENG: Lincoln Matjele

NORTH GAUTENG: Zipporah Thibedi

KZN: Premilla Moodley  
Hajra Vahed

EASTERN CAPE: Sadia Jacobs  
Ntsoki Moni

NORTH WEST: Thandiwe Raikane  
Elkan Mametse

WESTERN CAPE: Phumla Ntobe  
Cathy Page

LIMPOPO: Joice Phiri

MPUMALANGA: Esther Monobe

FREE STATE: Nolubabalo Cengani  
Marlene Marais

NORTHERN CAPE: Judge Bulelwa Pakathi

# *Conference on Reshaping Women's Participation for Gender Equality in the South African Judiciary*

Here is a synopsis of the events taking place during the Conference from 8-10 August 2014.

## **DAY 1**

The Conference was kicked off with a Green Path walk on the campus of the University of Pretoria (UP) in memory of the first Secretary of SAC-IAWJ, the late Judge Belinda Molamu. A meditation and yoga session followed. The early arrivers at the conference enjoyed the exercise which not only left their bodies invigorated but also refreshed their minds, leaving them rejuvenated before the glitz and the glamour of the Gala evening.

The Gala Dinner hosted by LexisNexis did not disappoint as usual, with members and guests dressed to the nines. Amongst the eminent guests were the Presiding Officers from the South African National Defence Force with their fine military regalia which left all in attendance green with envy.

The Dean of the Faculty of Law of University of Pretoria, Professor Andre Boraine and the Vice Chancellor and Principal of UP, Professor Cheryl de la Rey, delivered the Welcoming and Opening addresses on behalf of UP. In his address Professor Boraine dedicated a song to all women called 'Gabriella's Song', from the movie 'As it is in Heaven'. The words of the song set the tone for the conference and resonated with the objectives of the Chapter reflecting on that whilst a lot of strides have been made in ensuring democracy

and changing the lives of many in our country, a lot still needs to be done. In the words of the Professor himself "Laws as such will not immediately transform society, especially where on the one hand we still have children who carry water for hours on end". The chorus to the song which left the room charged with emotion goes as follows: 'Every human being has the right to say at the end of his life that I want to feel that I have lived'.

The Welcoming address on behalf of the Gauteng Division was given by Judge Dunstan Mlambo, Judge President of the Gauteng Division of the High Court of South Africa. The SAC IAWJ welcomes the bold and proactive position adopted by the Judge President of North and South Gauteng who explained how he meticulously created opportunities for acting appointments for the different groups of legal practitioners, namely Advocates, Attorneys and Magistrates despite coming under criticism for the novel approach. It is laudable that this approach includes addressing the imbalances apparent in terms of gender.

The Keynote Address was delivered by the Minister of Justice and Correctional Services, Advocate Tshililo Michael Masutha MP, who read his speech in braille, stating that it would solve the country's power problems if everybody, were to learn braille as one does not need electricity to read in braille. The Minister was applauded for being the first Minister to personally address the Chapter, and was encouraged to continue supporting the Chapter in this manner. The recognition and advancement of women should be seen to be promoted from the top, rather than to delegate this task of addressing gender

equality to a deputy or somebody else as has been the norm in the past.

Ms Chantelle Maree, Practical Guidance Manager at Lexis Nexis congratulated the organization for reaching the 10 year milestone, stating that Lexis Nexis was proud to be celebrating National Women's Day and 20 years of Democracy with us as a valuable partner. She spoke about Lexis Nexis' "Project Rule of Law Package"; a campaign to work together with legal professionals, executives across the business sector, policy makers, academics, NGOs and other stakeholders to advance the rule of law nationwide. She was very proud to introduce the New Lexis Nexis Mobile, a new innovative portable digital reference application that can be used anywhere.

Entertainment was provided by the Chair of SALDA and the Executive Dean of the Nelson Mandela Metropolitan University, Professor Vivienne Lawack and Judge Tshifiwa Victor Maumela, Judge of the North Gauteng High Court who both sang pieces in dedication to all women. The music saw Judges from the Highest Courts getting onto the dance floor. Thus the evening set the tone for the start of the celebrations of the 10<sup>th</sup> anniversary of the SAC-IAWJ on a very high note.(See Justice Today August 2014 Issue for pictures).

## **DAY 2**

The session was chaired by retired Constitutional Court Judge, Justice Yvonne Mokgoro.

The President of the Chapter, Judge Connie Mocumie commenced with the opening address where she outlined the role of the Chapter, its

achievements and limitations in the past ten years in advancing the ideals of an equal society. She acknowledged the Current Executive for supporting her in leading the organization; and specifically acknowledged Justice Bosielo from the SCA who she recognized as a Great Man who continually supports the organization, she also acknowledged Judge Dingake, a visiting Judge from Botswana, and Judge President Kgomo of the Northern Cape for his tireless efforts in promoting the cause of women and appointing women judges both in acting and permanent positions on his bench. Judge Kgomo's extraordinary efforts in ensuring women's success was highlighted in that he identified women to be mentored, and continued mentoring these women until they were appointed to the bench.

She thanked Ms Bridget Mabandla who embraced the organization since its inception in 2004, and Adv Joyce Maluleke *in absentia*, for continually supporting the organization. She also thanked Ms Ntibidi and her staff from the DOJ Gender Directorate for their contribution and hard work in ensuring the success of the event and the beautiful banners that graced the Conference venue. She thanked all structures and organizations such as the BLA, NADEL and Military judges in attendance.

The President also highlighted that when the organization was started in 2004 there was an electrifying atmosphere which gave the feeling that women had arrived and were here to stay, but that as people went back to their comfort zones there was stagnation in the organization, which for the most part was caused by a fragmented judiciary.

She acknowledged the DGRU from UCT for continually questioning the lack of female appointments to the position of Judges, and encouraged the unit to continue questioning these issues.

Dr Mlambo-Ngcuka was hospitalized and therefore could not be present to deliver the keynote address. Dr Pongola: Director UN Women South Africa, delivered the speech on her behalf. The speech highlighted the relevance of South Africa's 20 years of democracy and our 10 years in existence and underscored the leading role we played on the continent. It also highlighted that in 2015 the UN Women will be celebrating 20 years since the Beijing Declaration, and that the International Community was debating a sustainable development agenda that would drive global development efforts following the Millennium Development Goals. Its target is to reinforce the Global Community's desire to enhance justice for all, with a commitment to protecting the rights of women and girls, to end gender inequality and to eliminate violence against women. In conclusion the speech announced the slogan for the Global Campaign **"Empowering women, empowering humanity, picture it."**

A panel discussion on representation of Women at all levels in the Judiciary was facilitated by Prof Richard Calland from the DGRU, University of Cape Town.

Justice Edwin Cameron, Constitutional Court Judge, gave a touching speech on the power of healing through writing, where he highlighted some of the struggles he traversed, and how he

overcame those challenges through the process of healing through writing.

Judge Margaret Victor who is the SAC-IAWJ Mentorship Programme Leader and Prof Vivienne Lawack explained the mentorship Programme of the SAC-IWAJ. Six (6) LLB students from University of Pretoria also gave their views on Mentorship.

The Juta Cocktail evening was chaired by Judge Violet Phatshoane. Judge Thami Bheshe gave the keynote address which she dedicated to celebrating women who have occupied leadership positions in South Africa since 1994. In her speech she saluted women who have inspired, who have made waves, who influenced change and who have changed lives of many. She called these women "Women of Substance".

Ms Pappy Padachy from Juta also delivered an address on behalf of Juta, highlighting the relevance of a relationship between Juta and the organization. She acknowledged two women pioneers, Ms Nadine Gordimer and Ms Maya Angelou, two civil rights icons to be emulated in their teachings and wisdom. She reported on Juta's Moot Law Project which educates and assists law students as a venture between the SA Law Reform Commission and Juta and Co, now in its 10<sup>th</sup> year of running.

The highlight of the evening was the launch of the **Bagale ba Ketapele ya Basadi mo Kgotleng tsa Afrika Borwa (Pioneers in Women Leadership in the South African Judiciary)** by the Director of the Gender Directorate, DOJ &CS, Ms Rampete Ntibidi where she recognized the past and present leadership of the SAC-IAWJ since 2004 by

giving them awards. The occasion was beautiful and memorable as all members who have served in the leadership of the SAC-IAWJ, Executive and Council members (2004-2014) were honored. Ms Rampete explained the history of the Chapter and our long lasting relationship with the Gender Directorate and wished us well in the coming decade. After all the formalities, there were celebrations and dancing into the night. (Photos will be available on the website later)

### **DAY 3**

The session was chaired by Judge Kate Pillay.

The new President, Judge Maleshane Kgoele handed over a gift to the outgoing President Baratang Connie Mocumie, for her contribution to the organization as well as her birthday which coincided with the last day of the Conference.

Ms Susan Shabangu, Minister of Women in the Presidency, delivered the keynote address. She reflected on the 20 years of democracy and the social context of South Africa's justice system and encouraged the Chapter to make its mark in the judiciary and the lives of ordinary women and children as we best knew the circumstances of the communities we came from.

Ms Yasmin Sooka, Executive Director, Foundation for Human rights emphasized the need to commit to Gender Equality as stipulated in the Constitution by creating an affordable, accessible and timely complaint platform for all and by facilitating gender sensitive training and diversity literacy for Judicial Officers. She remarked that the laws and policies in South Africa have not been translated into action due to a crisis in masculinity manifested in violence against lesbians, girls and babies. She highlighted the

feminist approach which states that woman's input matters, suggesting the upliftment of feminist jurisprudence which speaks to reworking the law and its approach to gender as one of the possible solutions to the problem.

The Conference was concluded with a vote of thanks by Advocate Joyce Maluleke.

More information will be available on the SAC-IAWJ website later!

## ***National Moot Court Competition***

*A vision in creating skilled, motivated, dynamic young Legal Eagles who are a credit to themselves, their families, society and our Nation.*



Learners and Judges at the Cape Town Moot Court Competition

The SAC-IAWJ in collaboration with the Department of Education contributed to the success of the National Schools Moot Court Competition around the country. The finals were hosted at the Constitutional Court.

The hypothetical case involved a constitutional issue which counsel (learners) for the applicants and respondents were called upon to address. The issue related to the suspension of a learner from school for refusing to re-do her art project, a poster on the theme 'Celebrating 20 years of Democracy'. Her freedom of expression as depicted in her poster did not meet the approval of the school authorities and was deemed to be in conflict with the school code.

Members from SAC-IAWJ, Judges, Magistrates, Advocates, Attorneys, Prosecutors, and Professors acted as Justices in a Constitutional Court setup. Rochelle Francis-Subbiah and Shanaaz Mia presided in the Gauteng round at the Pretoria Magistrate Court as well as in the semi-final rounds at the University of Pretoria together with Cheryl Loots.

As part of the process, the learners were introduced to the Judges and were briefed about the program and what was expected from them. Learners were divided into groups of four with two members presenting for the Applicant and Respondent respectively. Each group had to present for forty minutes and the presiding officers scored them based on the following:

1. Knowledge and use of the facts
2. Knowledge of the law and application of the law.
3. Response to questions posed during presentation
4. Presentation.

Marks were allocated on an individual basis. It was challenging to score the learners because they were all very impressive.

The debate on points of law was interesting and very well thought out. It was revitalizing and astonishing to hear that the scholars were able to grasp the provisions of the Constitution so aptly. They presented contextualized responses and reactions. Their arguments were on *par* with that of practicing jurists. The atmosphere was one of a healthy democracy alive and vibrant.

Provincial co-ordinators from the Free State shared their experiences on the National Moot Court Competition held at Bethlehem on 13 September 2014.

They felt so emotional when seeing grade 11 learners from certain corners of the Free State Province clad in their neat and bright school uniforms, gathered in the Bethlehem Magistrate's Court. They could see that these boys and girls have their own dreams of becoming Chief Justices, Advocates, Attorneys, Judges, Magistrates, and Prosecutors of this country. These children came from a wide diversity of backgrounds including areas like Phuthaditjhaba with its many challenges and socio-economic issues.

Dream big was the motivation. ***"It takes the same amount of effort whether you dream big, dream small, or not dream at all. Why not dream BIG. ALL OUR DREAMS CAN COME TRUE – IF WE HAVE COURAGE TO PURSUE THEM"*** This was the message that these learners were putting across.

The experience was electrifying for all despite coming from different backgrounds of life, a lot was learnt. There was a wonderful vibe and excitement. The process ran smoothly. Praise and accolades were given to those who train and nurture these children. Trophies were presented to schools from Welkom who was judged as the best followed by

Harrismith, Bethlehem and Phuthaditjhaba. These four schools advanced up to participate in further competition.

Colleagues from the Western Cape, Cathy Page, Phumla Ntobe and Mary Jwacu presided in the Western Cape rounds of the Moot Court.

Ms Page took the liberty of inviting two learners who participated in the moot court to visit the motion court at Goodwood Magistrate's Court where she presided on 26 September 2014. These two learners, namely Kauthar Abrahams and Neethar Hendricks showed great potential.

She invited them to sit in court and be a part of a real court set up with the hope that the exposure will inspire and motivate them to become jurists in the future. Although these scholars did not make it to the next round they have learnt through experience and exposure that each step is a stepping stone to further success and achievement.



From L-R anti clockwise, Kauthar Abrahams, Ms Page, Neethar Hendricks

## *Health Awareness Inspires Better Health*

**October** is **BREAST CANCER** awareness month. Cancer is one of the very severe disease that women encounter. Breast cancer is deemed to be the most common cancer in women of all races and ethnicities. Hence there is a strong encouragement for women to go for regular screening to reduce the risk of cancer. **Cancer Association of South Africa (CANSA)** recommends monthly self-examinations and women from the age of 40 should go for a mammogram every year. Although the percentage of women afflicted with breast cancer is much higher than in men, men are not immune from breast cancer.

SAC-IAWJ promotes health and wellness support for judicial officers. In support of this awareness drive the KZN branch of the SAC-IAWJ hosted a program on breast cancer awareness. With the consent of the Heads of the Court and the Court Manager, the Health Awareness program was held on the 24 October 2014, in the Durban Magistrate's Court. It was attended by members of SAC-IAWJ, members of the Judiciary at various levels, Prosecutors, admin staff as well as members of the public. The Health and Wellness campaign of the SAC-IAWJ was explained with specific mention of the Belinda Molamu Memorial Trust.



Mr E. B. Ngubane (Acting Chief Magistrate) delivering the welcoming address and commended the SAC-IAWJ for the initiative.

Mrs. Joan Deare, provincial director of CANSA, and a social worker at Child Welfare in Durban spoke on the different types of breast cancer. She explained the complexities and the medical terminology for the different types of breast cancer. There are a variety of treatments for breast cancer. This includes chemotherapy, radio therapy and single or double mastectomy. The screening for cancer can be done by self-examination, by mammogram or ultra-sound. Dependent on the stage of cancer and its timely detection can strongly sway toward it being cured. A strong persuasion was made for women to do monthly self-breast examinations. Early detection could save lives. She further stressed that there is need for a healthy lifestyle coupled with regular examination.



Audience

Miss Gugulethu Precious Buthelezi from **Highway Hospice**, is a qualified social worker and a trained HIV counsellor. She addressed the audience on the psycho-social impact of breast cancer. As a life altering illness, each person reacts differently to it. Patients become insecure, depressed and withdrawn. There is a tendency that women who had a mastectomy felt incomplete. Her explanation of some of her cases and its management were moving and enlightening on the practical impact the illness had on people. Ms Heather Ann Walker, a volunteer for 19 years at Highway Hospice in Sherwood explained that the Hospice is a non-profit organization which relies largely on funding from charity and is always in need of volunteers. She set right the misconception that only people at death's bed are in Hospice. In fact a Hospice is there to provide comfort to any ailing patients. The event commenced with prayer lead by Ms Vusi Noncembu and was concluded with a vote of thanks by Ms Hajra Vahed.



From L-R Ms V.Noncembu, Mrs H.A.Walker, Ms G.P.Buthelezi, Ms J Deare and Ms Vahed

## *The President's Message*

The shoes that I stepped in are so big that I did not realize that it is nearing the end of the year and Christmas time again. I take this opportunity to thank the former Executive Committee for their excellent work done so far and their continued support to the new Executive. With the hosting of the Regional Conference next year, it became obvious that the new Executive should hit the ground running to keep up with the momentum. As a result the period from the 9<sup>th</sup> of August 2014 had been hectic for us.

The meeting with UNISA holds much promise. Apart from assisting in securing the international speakers and covering the design of programmes and gifts and entertainment the partnership envisages the introduction of pre-conference inaugural lectures on the equality of women, mentorship and advancement of women including young women from

different perspectives: the judiciary, civil society and the university. It also envisages the Launch of the African Lecturing Opportunity for African Judges.



From L-R anti-clockwise, Prof Lenkabula, Judge Kgoele, Irene Mohasoa, S Mia, L Chetty, Judge Mocumie and Vuyokazi Maliwa attending a meeting at Unisa in preparation for the Africa Regional conference.

I wish you all a Merry Christmas and prosperous New Year ahead.

The coming year is an opportunity for all of you to see what wonders God can do in our lives. Present each day to Him, and let Him guide you and fill you with His love. Do not forget that we are starting early next year with our Strategic Workshop wherein the former and the current Executive Members will be in attendance. We are looking forward for your support and dedication to the programmes of the Chapter.

#### **JUDGE A M KGOELE**

***President of the SAC-IAWJ***

*In quoting Rick Warren, 'Everyone knows the spirit of (the festive season) is giving. But the best gifts are often ones you can't wrap in paper. They are the gifts of service, where we offer our time, our talent, our connections, our ideas, and our energy to serve those in need of our service.' It is in this spirit that Members and Friends of the SAC-IAWJ have together given their precious gifts of service and are thanked for their generosity and good work. Best wishes and Blessings over the festive season, Rest Deeply to Shine Radiantly.*

*Newsletter compiled & edited by Rochelle Francis-Subbiah, Vice President Publications, with help from Exco, and Provincial Co-ordinators.*