

International Women's NEWS NOUVELLES Féministes In publication since 1906

Journal of the International Alliance of Women

FROM SURVIVOR TO ADVOCATE

RITA MARQUE MBATHA'S COMPELLING STORY OF SEXUAL HARASSMENT AT HER WORKPLACE

THE EFFECTS AND OUTCOMES OF HER BRAVE AND PERSISTENT QUEST FOR JUSTICE OVER 20 YEARS

www.womenalliance.org

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EDITORIAL

IAW 39TH CONGRESS NOVEMBER 26 - 28 2022

Two calls to Congress have been circulated and registrations are currently underway with relevant documents available on the website. Pre-Congress Board Meeting #1 was held on 25 September 2022 and Pre-Congress Board Meeting #2 is scheduled for 20 November 2022. The Post-Congress Board Meeting will take place on 3 December 2022.

Virtual Zoom meetings have become part of our normal lives during the COVID epidemic and, while many of us miss the joy and benefits of meeting face to face, opportunities to become directly involved in the work of the Alliance have become possible for a lot more members.

IAW is looking forward to welcoming old and new members to collaboratively continue its work in the coming years.

In this edition we are introducing a new concept - an Interview with IAW member Rita Margue Mbatha who has a compelling story to tell about the past 20 years of her life. It is not a pretty story and it starts with sexual harassment in the workplace, something that continues to be experienced by thousands of women and girls the world over. While a successful outcome has finally been achieved due to Rita's persistent and professional quest for justice, it has taken its toll on her. She says, The healing process is painful and takes time. I am learning to heal but it's difficult with the constant ongoing harassment by the perpetrator. The trauma sometimes takes over and goes beyond physical injuries. I am sad because of lost precious time which I can never recover. IAW believed this story should be heard. The interview was devised and planned with Rita by Jessica Orban, Lene Pind and Holly Herbert. I hope the Supreme Court judgement will become a legal precedent in Zimbabwe and be publicised around the world. IAW members are urged to promote this story to the legal profession in their countries. With the requisite support, we will and can change the landscape of human rights for women and girls in the courts and in reducing violence against women, says Rita.

You will also read about the Women's Comfort Corner Foundation (WCCF) that Rita founded in 1995 and introduced to the IAW. WCCF subsequently became a member and hosted the Alliance at Victoria Falls, Zimbabwe in 2016.



IAW delegates and guests - Victoria Falls, Zimbabwe 2016

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compiled by Lea Börgerding, Jessica Orban and Holly Herbert

Elizabeth Bonker raises her voice!

Elizabeth Bonker is a writer, non-profit founder and valedictorian of Rollins College, Florida. She also has nonverbal autism which means she uses a text-to-speech assistive device to communicate. During Elizabeth's commencement speech she stood on stage and didn't say a word while her text-tospeech device communicated her speech. During her speech she urged her classmates to serve others and embrace the power of sharing. Stating "God gave you a voice. Use it. And no, the irony of a nonspeaking autistic encouraging you to use your voice is not lost on me. Because if you can see the worth



© Photograph: Scott Cook/Rollins College

in me, then you can see the worth in everyone you meet." Elizabeth shared with her classmates that "the world began to open up" once she was able to use a text-to-speech device. Elizabeth uses her voice to help others with nonverbal autism to communicate through her nonprofit organisation, Communication 4 All.

The watch her speech click below

Be the Light: Elizabeth Bonker's 2022 Valedictorian Speech at Rollins College Commencement

Spain is preparing to introduce medical leave for severe period pain

Earlier this year in May, Spain's Coalition government approved a draft proposal with a broad range of reproductive rights provisions, including one that would make Spain the first European country to grant workers paid 'menstrual leave'. At this stage it is not clear whether Prime Minister Pedro Sanchez's proposed legislation will be supported and approved by the Spanish Parliament. If the bill is approved, it will entitle workers experiencing period pain time off work if diagnosed with severe menstrual pain by a doctor. The cost of this leave would be covered by the government, not employers. Equality Minister Irene Montero said that the bill will recognise a health problem that has been swept under the carpet, stating "Periods will no longer be taboo". Furthermore she added "No more going to work with pain, no more taking pills before arriving at work and having to hide the fact we're in pain that makes us unable to work."

U.S. men's and women's soccer teams to be paid equally

The U.S. Soccer Federation has reached a milestone agreement to pay the U.S Men's and Women's National teams equally, eliminating the pay gap which saw female players earning less. This agreement makes the American National governing



© Photograph: Alex Grimm/Getty Images

body the first in the sport to promise both sexes matching money. The new collective bargaining agreements will run through 2028. Under the terms of the agreement, the women - a group of several dozen current and former players, will share 24 million dollars in payments from the U.S. Soccer Federation. The bulk of that figure is backpay to compensate from years of unequal pay. The most notable part of the deal is the pledge to equalise pay between the men's and women's national teams in all competitions, including the world cup.

New Zealand's female cricketers reach landmark equal pay deal

New Zealand cricketers have signed a groundbreaking new agreement that will see men's and women's cricketers receive the same match fees. New Zealand Cricket, the six major associations, and the New Zealand Cricket Players Association have all agreed that from August 1, © Photograph Getty Images: James Allan the women's national team and domestic women's players will receive equal pay to men across all formats and competitions. This five-year deal is the first of its kind where professional men's and women's pay deals have been combined into one agreement. It means the highest ranked White Ferns player can receive a maximum of \$NZ 163,246 a year, up from \$NZ 83,432, while the top-ranked women's domestic players would be able to receive a maximum of \$NZ 19,146 (up from \$NZ 3,423). White Ferns captain Sophie Devine said the agreement was a game-changer for women's cricket and would encourage others to take up the sport. Devine said, "It's a massive step forward and will be a huge drawcard for young women and girls."

Belgium becomes first European country to decriminalise sex work

A law passed in Belgium in March came into force on June 1st, 2022, decriminalising sex work, thereby allowing sex workers to practice legally as well as have access to status, healthcare, and social protection: maternity leave, unemployment benefits to name a few. Belgium is the first European country to decriminilise sex work and second in the world after New Zealand. To better protect the sex worker, the Belgian reform has also tightened penalties against pimping and sexual abuse and revised the definition of consent. To find out more:

www.lemonde.fr/international/article/2022/06/02/la-belgigue-decriminalise-la-

prostitution 6128596 3210.html





© Photograph: Jaxques Collet - Belga - RTBF (2015)

www.france24.com/en/video/20220708-belgium-first-european-country-to-decriminalise-sex-work

FROM SURVIVOR TO ADVOCATE

Star Feminine Band: the girl band in Benin raising awareness on women's rights

Originally formed in 2016 near Natitingou, Benin, Star Feminine Band is a group of 7 teenage girls aged 11 to 18 aiming at sharing feminist messages and raising awareness on women's rights. They sing in Peul, Ditammari, Bariba, Fon as well as French, mixing Waama rhythms, Congolese rumba, sato, highlife and Sierra Leonean bubu. In July 2022, they released a new song about forced marriage, echoing a recent UNICEF report warning against the number of child marriages on the African continent.



© Photograph - Pan African Music (PAM)

To find out more: www.bbc.com/news/av/world-africa-61249109 www.pan-african-music.com/en/star-feminine-band-mariage-force/

Biden guarantees Birth Control and Contraceptive Coverage under the Affordable Care Act

The Affordable Care Act (ACA) guarantees women insurance coverage of all methods of birth control without additional out-of-pocket cost, no matter where they live or how they are insured. It first went into effect in 2012 and is an incredibly popular part of the ACA. President Biden issued an Executive order on July 28, 2022, to reaffirm contraceptive coverage, ensuring that people have access to reproductive healthcare by clarifying the coverage and protections they have under the ACA and what family planning facilities were available to them at no cost. With the overturn of Roe V. Wade and the continued attack on abortion and reproductive healthcare across the US it is vital that access to birth control and contraceptives is always available. Under the ACA birth control, reproductive and preventative services like emergency contraceptives, barrier methods, implanted devices (IUDs), patient education and counseling and more are all covered.

Michelle O'Bonsawin confirmed as Canada's new Supreme Court Justice

Justice Michelle O'Bonsawin's appointment to the top court has been formally confirmed by the Prime Minister's Office. Canada's first Indigenous Supreme Court justice is set to take her seat on the bench on Sept. 1, 2022. Michelle O'Bonsawin has been a judge on Ontario's Superior Court since 2012 and an Abenaki member of the Odanak First Nation. Prime Minister Justin Trudeau tweeted after the news was released "O'Bonsawin is a widely respected



© Photograph - The Canadian Press, Justin Tang

member of Canada's legal community with a distinguished career. I'm confident that she'll bring invaluable knowledge to our country's highest court." Justice Secretary David Lametti stated that O'Bonsawin's appointment was important to Indigenous people. He predicts that her appointment will improve the Supreme Court's Legal decisions, stating that "it is extremely important that tribal peoples can see themselves in what are, guite frankly, colonial institutions." In Canada there is an over-representation of Indigenous people in prisons. Indigenous adults represent 5% of Canada's general population but 30% of its federally incarcerated population.

INTRODUCTION

In 2003, Rita Margue Mbatha lost her job at the Confederation of Zimbabwe Industries (CZI) after raising charges against her employer for sexual harassment from her boss, which had been going on in the workplace for 10 months. She then went on to representing herself in a 20 year-long legal battle with the Labour Court and the Supreme Court which, on October 30th, 2018, eventually ruled in her favour, giving her the right to claim compensation of US\$180,000 from the CZI. The High Court Judgement guantified damages and issued a judgement on December 1st, 2021.

The Women's Comfort Corner Foundation, which was founded by Rita Marque Mbatha in 1995, works closely with the International Alliance for Women (IAW). Rita Margue Mbatha is also Regional Coordinator : Africa Anglophone of the IAW.

IAW thought it important to celebrate Rita Margue Mbatha, introduce her to its members and shed light on the legal battle she led and the obstacles she still encounters.

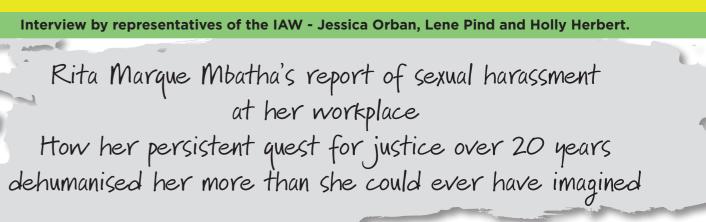
Rita Marque Mbatha was born in Mzilikazi, Bulawayo, Zimbabwe. She graduated from the Executive Secretarial Course Pitman Training Centre in London and from Secretarial Studies at Speciss College in Harare as well as from the Central Law Training in Glasgow as a Specialist in Criminal litigation and a Diploma from the Cambridge Tutorial College which she obtained in 1987.

CAREER

When and where did you start your professional career and how did you come to work for the Confederation of Zimbabwe Industries (CZI)?

After obtaining a Diploma in Secretarial Studies at Speciss College I worked part-time at Skanska International for the Group Chief Executive Officer. Thereafter I worked for Stanbic Bank on a temporary basis until I was engaged on a permanent basis by the CZI in 2002.

I attended an interview at the CZI for the position of Personal Assistant to the Group Chief Executive and the President of the Confederation of Zimbabwe Industries. The London Pitman Qualifications gave me the edge and, as international companies, the experience of working for Skanska International and Stanbic Bank gave me an advantage over the other candidates. The position entailed communicating with international companies, drafting correspondence and taking minutes during board meetings. I worked very closely with the Group Chief Executive and the President.



(Trigger warning: this article includes references to rape, domestic violence and sexual abuse.)



THE CASE

Your battle for justice lasted 20 years. Before we talk about the victory, could you tell us how you stayed hopeful throughout all those years? How did you keep faith in the justice system?

This has been a traumatic experience. I have had some victories but I have no faith in the justice system which is skewed in favour of abusers. The gender bias is palpable. The gender bias undermines fairness in criminal and civil trials. The bias is particularly rife in issues involving rape and domestic violence. There is a need for training of judges and magistrates on the issues involving sexual abuse in order to promote the fair adjudication of the cases placed before them. The situation is not specific to male judges. I recall a situation where I had to personally complain to the National Prosecuting Authority after a female Senior Magistrate sentenced an offender who had raped a school child to COMMUNITY SERVICE at a local school! The latter action was not even appropriate because the offender was a danger to school children.

How did the people around you react and how did they support you throughout your battle?

A small section of people were supportive but most of them were not. It was an uncommon matter; victims of sexual harassment or rape are very afraid to speak about sexual violence and it is not considered appropriate to speak out about sexual abuse.

When and why did you decide to take legal action?

After I refused to have an affair with the Chief Executive Officer I was dismissed from work in May 2003. I sold all my furniture and obtained the services of a lawyer. I gave him my file which had more than 300 pages. When I went for consultation I was told that the file could not be located. Fortunately, because of my inborn love of the law, I had three additional copies which I had personally prepared.

You represented yourself, why did you make this decision?

After my file was stolen I became acutely aware that because of the patriarchy my case would reach a dead end. I tried contacting Women's Organisations who turned me down after noting the powerful men who were part of the CZI. I then made a decision to go it alone.

How did it feel to win your case?

Surreal, bitter sweet. Surreal because the matter took long to be finalised. No amount of money can ever compensate me for the pain which I experienced. I had no support and had to navigate the hostile justice system on my own.

You had many wins throughout your case. What was the most important one for you?

Seven wins against the CZI and more than eight against the perpetrator Farai Bwatikona Zizhou. I loved the Judgment penned by Justice Patel, one of my favorite Judges in Zimbabwe whose sentiments can readily be supported by litigants and legal practitioners. The Supreme Court Judgment followed the dismissal of my matter by the High Court. What caused me to approach the Supreme Court was the averments made by the High Court alleging that the matter had been prescribed¹ and I had reached the end of the road. The Supreme Court disagreed with the assertions made by the High Court and ordered the employer and the perpetrator to file their pleas within ten (10) days. The perpetrator Farai Bwatikona Zizhou failed to comply with the Court directions. He unsuccessfully filed for condonation at the Supreme Court and the High Court on four (4) different occasions. The most important one was by Justice Mafusire which was a landmark judgment issued in December, 2021. The judgment is well written and can withstand scrutiny. It is persuasive and captures all relevant issues. The esteemed Judge managed to capture in raw terms the debilitating sexual harassment

which I suffered. The search for justice brought more pain than I had imagined. I believed that I had witnessed every degradation and monstrosity possible but the way I suffered at the workplace and navigating the justice system brought me to the end of the tether. Although I suffered greatly, my mission is to make a difference and encourage women to speak out to lessen the stigma and to aim for cases of sexual harassment to be finalised in the shortest time possible.

Do you have advice for other women who find themselves in similar situations?

Sexual violence is traumatising and has a debilitating profound impact on survivors' lives. Speaking out about sexual violence paves the way for support and care. It also eliminates stigma one step at a time. Speaking out also renders the perpetrators powerless as they always bank on the women's silence to continue with the evil act. We are working to address the causes and impact of sexual violence through collaboration, prevention efforts and to shine a spotlight on the advantages of speaking out when one has been violated.

YOUR INVOLVEMENT IN NON-PROFIT ORGANISATIONS

Can you tell us a little bit more about the Women's Comfort Corner Foundation? What are its missions? When did you start to work with the WCCF? And why?

I founded the Women's Comfort Corner Foundation in 1995 as a Community Organisation. From an early age I have always been passionate about justice. The injustice in the community, in particular affecting women and children who have been sexually violated, gave birth to Women's Comfort Corner Foundation Trust which was initially registered as a Trust but is now registered as a Non-Profit Organisation. In order to reduce stigma, I openly speak out about the sexual harassment which I suffered at the workplace.

Women's Comfort Corner Foundation houses the Beacon of Hope Support Centre which has been providing short-term emergency accommodation for women and children. We offer a range of services and support during periods of homelessness. We provide vital services to the survivors and the Wings of Hope Counseling Centre is solely responsible for the counseling of victims and survivors who we house in our shelters. We also accompany the victims in court.

Women's Comfort Corner Foundation provides information and assistance for those who have experienced gender-based violence. In order to drive the point home, we work with boys and men to resist patriarchy, to advocate for gender justice to achieve gender transformation. We hold perpetrators accountable; we inspire and educate those who respond to genderbased violence by equipping them with the knowledge and tools they need to support victims and survivors.

Women's Comfort Corner Foundation handles each enquiry with attention and care; however, if the case is not one we can take on, we will do our best to provide victims with appropriate referrals and resources. Our vision is for all women and girls to realise their full potential and envision a world where victims are not shamed and discriminated against in court. We are passionate about protecting victims, preventing future attacks, and keeping our communities safe.



Lisa Lunga, National Youth Co-ordinato

^{1.} If one wants to claim damages and does not make a claim of damages within three years as per the laws in Zimbabwe, one is automatically barred from instituting any proceedings in court except if the matter has always been before the Court and a party in litigation has been dragging the matter in order to wear down the applicant

We continue to engage in legislative advocacy and educational initiatives and focus on the following areas:

- Fairness in courts
- Violence Against Women and Girls Elevating Survivor's Voices
- Water and Pads Project
- Human Trafficking
- Partnering with organisations that share our vision, in particular the National Prosecuting Authority
- Formulating policies and best practices to guide reforms we recently finalised Workplace Sexual Harassment Policy

You are also a Regional Coordinator of the International Alliance of Women. Could you tell us a bit more about your involvement with the Alliance?

Women's Comfort Corner Foundation works in conjunction with International Alliance of Women to promote women's human rights. This aligns with the mission and values of WCCF. The past two years of COVID-19 have been excruciating and required an avalanche of endurance. In working with IAW, Women's Comfort Corner Foundation plays its part in defending the rights of women and children in Africa. Being a member of IAW gives us the needed power to pressure those in power to respect rights and secure justice for women and children. As a vibrant organisation IAW is instrumental in the advancing of human dignity and advancing the cause of human rights for women and children.

Following my triumph in the Case of Sexual Harassment at the High Court in Zimbabwe, IAW was further put in the spotlight as it had played a special role in encouraging me to speak out about sexual harassment in the workplace.

Is there anything else we should know about your work on behalf of women and girls?

We are currently engaging colleges and schools and cascading the issue of sexual violence and encouraging them to speak out. The programme is ongoing and is shining the spotlight on some complexities of the law and imploring law enforcement officers and prosecutors to believe rape survivors when a report is lodged. Women's Comfort Corner Foundation uses its own funds to raise awareness about gender-based violence, challenging discriminatory attitudes and calling for improved laws, empathy and services to end all violence against women.

CLOSING QUESTIONS

You've said, "I love the law" - will you please elaborate on this?

I always speak out against what I consider as being unjust and unfair regardless of the status of the perpetrator. This is what I do instinctively and have done on a plethora of occasions since childhood.

My interactions with victims and survivors of sexual abuse have exposed me to the sad fact that victims are not given the requisite support to navigate their cases. I believe that my background as well as my knowledge of the law will enable me to make a difference in the lives of women who have suffered domestic violence. The aim is also to assist women and children who have been sexually violated.

Counseling and helping women with legal issues, particularly issues of gender based violence, is my calling. I've finetuned my talents and passions for advising women and girls who have been abused. I have advised them how to present their cases before the courts and how to address the judges and magistrates. I am very comfortable when addressing legal issues and I feel at home in this role. I am a Gemini, creative solver, hard worker and I always find a way to succeed and I NEVER give up. Several Senior Judges at the High Court, Supreme Court and Constitutional Court have commended me on how I have presented myself in court.

What is life like for you now post court case?

The harasser is still bothering me with a plethora of court cases now numbering about ten. His urgent court application and stay of execution against his property were dismissed but he persists. What is crazy is that he has now engaged a former

female workmate to allege under oath that I was dismissed from work because of a fight instead of sexual harassment. I have reported the matter to the police and charges of perjury and attempting to defeat the course of justice have been levied against the lady who lied under oath. The police were trying to protect the woman but I would have none of it and approached the Minister of Home Affairs and the Commissioner General of Police. This was scheduled to be addressed before the Criminal Court on the 28th of July, 2022. The matter failed to take off after the police failed to apprehend the first accused. The matter could not proceed without her. The accused has avoided coming to court and a warrant of apprehension is currently being processed. The police have asked her to come to the police station in vain. In the affidavit she further lied under oath by giving an incorrect home address.

This is not the first time my harasser is acting unlawfully and illegally. On another occasion a friend, with whom I was working at the Confederation of Zimbabwe Industries and who was aware of the sexual harassment, was bribed to testify against me and delete the evidence of the offensive emails sent to me which I had forwarded to her. My harasser went to the extent of buying her a ticket to Denmark to make sure that she was on his side and it worked. It is painful that women do not support each other in matters of sexual violence, an indication that we have a long way to go.

What helped me is that I had forwarded some of the offensive emails to my gmail account and also archived his offensive text messages on my phone.

How has the whole process impacted you?

Bitter sweet. The healing process is painful and takes time. I am learning to heal but it's difficult with the constant ongoing harassment by the perpetrator. The trauma sometimes takes over and goes beyond physical injuries. I am sad because of lost precious time which I can never recover. I have written to the Court to speedily finalise the matter which continues to involve sexual abuse and not wait years to get justice.

Have you been able to take the knowledge and skills you developed and apply them into current/future work?

The traumatic experience of sexual harassment which I suffered at the workplace has given me greater motivation to fight for victims of sexual violence. In navigating the justice system I have also faced extreme bias in court. I have been treated like a leper because I dared speak about sexual harassment. I am not a talkative person but can assert my rights and I don't care how powerful an adversary is. I am passionate about justice. Getting a positive outcome for a client resonates with me. I am determined to make a difference and nothing will stop me. My personal experience coupled with education obtained at Central Law Training at Glasgow, Scotland where I studied the Diploma in Specialist Litigation, has allowed me to create real change for my familial circumstances.

I am now working with survivors of sexual harassment and rape to speak out about their experiences. Perpetrators of sexual violence thrive and count on the silence of their victims. I use the law to strive to obtain justice and get positive outcomes for clients who have been visited with injustice.

I enjoy writing heads of argument for the clients who are apprehensive about appearing in court. In most cases victims of abuse are tongue-tied in court, resulting in their matters being thrown out of court for lack of merit. For litigants who are not aware of court procedures and not versed with oral arguments it's a disadvantage as it will inevitably lead to the overlooking of important details and subtle nuances which may be material to a case; in such cases the heads of argument come in handy.

Rita, tell us anything else that you think is relevant?

It is difficult to get funding for projects dealing with issues of gender based violence. No one wants to volunteer without any allowances, in particular when participants are aware that IAW is involved. Funding will have a life-changing impact for women and girls who will be empowered and better equipped to protect themselves from gender based violence.

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TO ADVOCATE

With the requisite support, we will and can change the landscape of human rights for women and girls in the courts and in reducing violence against women.

Other articles regarding Rita Marque Mbatha's legal case:

• 'Woman wins US\$180,000 in 20-year-old sexual harassment lawsuit', Bulawayo 24News, 6 December 2021

https://bulawayo24.com/index-id-news-sc-national-byo-212393.html

• 'Ex-CZI boss ordered to pay US\$180K sexual harassment damages', NEWSDAY, 6 December 2021

https://www.newsday.co.zw/2021/12/ex-czi-boss-ordered-to-pay-us180k-sexual-harassmentdamages/

• 'A Zimbabwean woman who defied the odds in the fight against sexual abuse', 3 December 2018 https://www.newsday.co.zw/2021/12/ex-czi-boss-ordered-to-pay-us180k-sexual-harassmentdamages

https://www.fairplanet.org/story/a-zimbabwean-woman-who-defied-the-odds-in-the-fight-againstsexual-abuse/

• Legal first for Zimbabwe as court orders damages for Zimbabwe as Court Order Damages for Workplace Sexual Harassment

https://africanlii.org/article/20211209/legal-first-zimbabwe-court-orders-damages-workplace-sexualharassment

To learn more about Rita Marque Mbatha's work and publications:

Selected Papers at Professional Meetings

XVI International Aids Conference held in Toronto, Canada 13 - 18 August 2006, Prevention of mother-to-child transmission - attending the prevention of parent to child transmission of HIV (PPTCT) Programme.

Sexual harassment in the workplace at the XVII International AIDS Conference in Mexico City from August - 8, 2008.

Domestic Violence & Sexual Assault to the 5th IAS Conference on HIV Pathogenesis, Treatment and Prevention, which was held in Cape Town from 19 - 22 July 2009.



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To avoid possible difficulties in the identification of the payment, we would be grateful if you could mention your name and purpose of payment in the subject of the transfer. Membership enquiries, change of address, and back numbers: contact the Membership Officer, Lene Pind, email: members@womenalliance.org

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