The Association *Muvman Liberasyon Fam*, founded in 1977 after a year of preliminary neighbourhood meetings, is one of the oldest existing women's organizations in the country. From its very first manifesto, MLF has a clear position on sexual assault: that it is about assault not about sex, that consent is of the essence. The MLF magazine *Fam Lite* published two editions on the issue. The *Solidarite Fam* common front that the MLF initiated each year 1978-2000 held public events on issues like sexual assault. MLF's first action against rape was in Sir William Newton Street in 1977. Another was against police officers who raped two women in the Police Station in Petite Riviere. MLF deposed before the Parliamentary Select Committee on Sexual Offences in 2007 and before the Law Reform Commission in July 2019. The MLF's struggle brought a "protocol" adopted by the State so victims just go to one of six hospitals in Mauritius and Rodrigues and no longer have to suffer in Police stations.

In 2019 the MLF put a complaint with the Ombudsperson for Children, for yearly "drills" just like "fire drills" to keep the hospital units alert. In 2011, MLF brought out its widely circulated New Women's Manifesto, in 2019 a Program for Political Parties to adopt for the general elections. MLF considers itself part of the international #MeToo movement. This book is a guide to the role of the struggle in bringing change. It links thinking to collective action in on-going Mauritian history.
SEXUAL ASSAULT

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SEXUAL ASSAULT
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ASSAULT

CONSENT is ALL
Excessive Punishment is Bad Strategy
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INTRODUCTION

The Mauritian Government called on the Law Reform Commission to propose new laws on sexual assault. When its proposals were published in April 2019, the Muvman Liberasyon Fam immediately opposed them publicly. Meanwhile, the Mauritian Government also rejected them, calling on the LRC to come up with new proposals, based on Canadian law, and to do so by the beginning of August. The LRC then called in the MLF to depone. A delegation of seven members presented three papers, and then all answered questions for some 90 minutes.

This book thus puts together, at this timely moment, eight chapters for readers, as new sex assault laws are being discussed. All the documents have been published before. They are republished here with light editing. All but two are MLF documents or documents by MLF women. The other two are Lalit documents, published with permission, and adopted by MLF for the book.

The Arguments

The first chapter contains the actual arguments presented to the LRC. (One paper has a Kreol version, too.) The archaic Mauritian Code is include as Note Three. The excerpts from relevant Canadian law, in bilingual form showing its similar
linguistic heritage in the legal system, has been included as Note Five at the very end of the book.

**Processing Our Own Feelings**

We then have a chapter on the process of resolving the subjective responses to violent sexual assault and the policy needs that will best limit this patriarchal violence.

**MLF History of Thinking and Acting**

The third chapter is designed to put the present actions on sexual assault laws into the context of over 40 years of MLF history from 1977 onwards. So we refer to some key analyses and demands, especially around: the centrality of consent, the importance of the “assault” part of sexual assault, and the need to avoid excessively punitive policies, which are not only bad in themselves but have unintended consequences that are very dangerous for women. Plus we have a number of articles reflecting our more recent work over the past two or three years.

**Common Fronts**

The fourth chapter moves on to how the MLF links up with other women – individually and as organizations – in the struggle against sexual assault.

**Sexual Assault Units in Hospitals**

And this fourth chapter flows naturally into the next, about the long saga of MLF succeeding in getting the State to set up a system of one-stop-shops in all hospitals in 2006, and how again and again this falls into disuse and society falls back on the police.

**Internationalist Vision and Actions**

Not only does the MLF work with other organizations and movements in Mauritius, but also worldwide. The times we
live in have exposed sexual assault worldwide -- in once venerable institutions like the Catholic Church, and other religious and state institutions, and also via the #MeToo movement. It has been a long process, and is still on-going. Patriarchy is both violent and intimate, both external and internalized, thus difficult to rein in. Chapter Six is about the struggle on an international level.

**MLF is not a “single issue” organization**

Chapter Seven inserts the demands and the actions on sexual assault issues into the more overall MLF manifesto. For this we have published our 2019 Common Platform for political parties as general elections approach.

**The Mother Tongue**

And we have a final chapter for versions in Kreol of three articles. Some of the articles, you will notice, are included in the Kreol original.

**Build-up to the MLF Deponing at the LRC**

So, our book is being published not for academic interest – though we hope it contains a great deal of this, too – but in order to show how ongoing struggle affects reality. It works. The MLF thinks collectively, acts collectively – within our association, and with others in Mauritius, as well as in relation to movements of women worldwide – and this affects the flow of ongoing history. Note that we link the issue of sexual assault constantly to the overall struggle against patriarchy.

**A Collective Production**

Producing this book has been a collective process, in itself, and also a homage to all the women who participated in the past struggles that made the present ones possible. There have been all kinds of contributions to this history: from direct action
against predators to viewing and discussing a movie like *The Celebration*. From preparing programs for political parties before general elections to holding women’s public meetings. From petitions to night marches, like the *Fam Reklam Lanwit* one in 1982. From the big rolling strike in 1970 against a predatory sugar cane boss to all the work to get a one-stop-shop at hospitals for victims of sexual aggression. And much more.

The recent work towards this book has involved many of us, including Sadna, Begum, Anne-Marie, Rajni, Veronique, Kisna, Soufia, Lindsey, Anne-Lise, Firoza, Marie-Lourdes, Roukaya, Roselee, Renouka, Sudha, Marguerite.

13 August, 2019
CHAPTER ONE

LINDSEY COLLEN DEPONES AT THE LRC 2019 (1)

Key Concepts of Assault and Consent

The women’s association Muvman Liberasyon Fam informed the Press that three representatives spoke in its name when it sent a delegation to depone before the Law Reform Commission on 22 July, 2019. Here is an English translation of what Lindsey Collen said on the key philosophical concepts that need to inform the new law on sexual assault. These concepts have, from MLFs birth, guided our demands and actions.

Since 1977, in the MLF, we have been struggling for sexual assault to be seen as

(i) assault tout court, and

(ii) defined by lack of consent. The two concepts are intimately related.

Assault

We call for the emphasis to be on assault, not on sexual. Consider these examples:

If someone hits you in the face, it is assault. And no-one would have “excuses” to the police or the Courts or the public for just hitting you – e.g your clothes provoked them, you were in an
isolated spot, or you were accustomed to being beaten up, or whatever. But, consent can be given e.g. for boxing training. Even then, it is limited. There are detailed written limits to this consent in the Boxing Rules. Your opponent cannot, for example, knife you.

If someone stabs you with a sharp instrument in the tummy, it’s assault. Again, you cannot claim that the person tempted you, was accustomed to suffering this, or is married to you. But, again, consent can be given for cutting into one’s tummy, for example, for a medical procedure. This consent has, for routine interventions, to be so clear as to be in writing.

And similarly,

If someone comes up to you and cuts your hair, this is assault, unless of course consent has been given, for reasons of hair style.

Someone rubs your shoulders – it is assault, unless consent for, say, physiotherapy.

And so on.

All this to say that in the MLF, we wish assault to be the general heading for sexual assault. And this means sexual assault should be a sub-section of assault tout court. It thus follows the same logic that assault follows.

And like all assault it is not gender-specific. It is an attack on someone’s bodily integrity, male or female, anybody who is a victim of patriarchal violence.

So, sexual assault, including rape, is assault. Cut-and-dried. Assault.

That is what we call for in the new law.

**Reasoning**

Sexual Assault must thus be seen, in our view, as a sub-category of assault as the term already, in fact, implies (“assault” is the noun, while “sexual” is merely the adjective, not the thing itself).
For historical reasons and due to the continued oppression by patriarchy of women (and men perceived as woman-like, as well as children), sexual assault is still seen as an “aggressive form of sexual behavior” i.e. something that is essentially about sexuality. We challenge this. We say it is about aggression. It has nothing whatsoever, in our view, to do with sexuality, but is to do with someone dominating the other, humiliating, damaging, assaulting the other.

Seeing it this way (as a subcategory of assault *tout court* and not as a form of sexual behavior), has four important practical effects:

1. It prevents the blame being shifted to the victim. This often happens in cases of sexual assault, including rape. Recently we heard someone as distinguished as an ex-Supreme Court Chief Justice saying, to justify rather vaguely a case of granting a Presidential pardon, that “young girls give consent and then afterwards say they didn’t” (2). The victim is blamed. This kind of speculation as to the guilt of the victim in sex assault is rife, and will continue to be rife, while sexual assault is seen by the law as a sub-category of sexuality (aggressive male sexuality), when it is, in fact, a sub-category of assault.

2. Seeing sexual assault as a form of assault, prevents every re-telling of the narrative to police officers and in testimony in the Courts becoming a re-play of the original assault – but now in public – with all the references to the technicalities of “penetration” making this worse.

3. It limits the kind of titillation and voyeurism often seen in police inquiries and in judicial proceedings and in reporting of them. We have witnessed this over the years in police stations, in court and in the press and public.

4. Once sex assault is seen as assault, it is no longer relevant:
a) What attire the woman victim was wearing.
b) What time she was walking somewhere.
c) What place she was in.
d) Whether she is a sex workers or not.
e) Whether she is a wife (or partner) or not.

This change of emphasis would indeed be important for the emancipation of women. It is also important for curbing sexual abuse of children, and men.

Where the prejudice came from:

We know how emphasis on the sexual nature of sex assault gained traction: it is because of the history of women’s oppression. In particular, it was the “honour” of male members of a family that was aggressed by the besmirching of a female member of the clan. Traditionally, West and East, women were seen as chattels of men – and any sexual contact the women had with non-husbands, whether the woman chose it or consented to it or not, was immoral because it was a dishonour to her husband, who was “the person wronged”. In fact, traditionally, since humans settled via agriculture and since unequal class societies emerged over the past 5,000 to 10,000 years, because women had been reduced like this to being chattels, the idea of consent was not relevant in cases of rape and sexual assault. In any case, there were arranged marriages to girls of 12, 13, 14 years old, and forced marriages of all ilk. Today this would be considered sexual abuse. Until very recently, class society gave the droit de cuissage, in addition, to powerful lords of the manor. The equivalent during slavery in Mauritius was that women were sexually assaulted and raped with impunity by slave owners, slave drivers, and often by male slaves. During indenture, the pattern remained identical. This persisted until beyond Independence, and it it still in living memory. Only in
1970, was there the long, revolving strike at the Medine Sugar Estate (see reference in a later chapter) that led to the end of this practice as a general rule, and it has become less predominant. But it is still here on many work-sites.

We must note that the #MeToo movement has shown that the practice of sexual assault in exchange for work is persistent and widespread even in the country with arguably the least impunity for male predators. Indeed the President of the USA is on audio tape encouraging another male to assault women – saying how if you are powerful, you have impunity. We refer here to Donald Trump. And, he is partly right about the impunity – or he was when he said it, before #MeToo changed the balance of forces considerably.

**Consent**

Consent is important in defining sexual assault. In fact, as the slogan goes, “Consent is All”. As most sexual assault is within the family and close associates, it is this violence within the family and “ownership” of women and children by the family that has thus made “consent” very hard for the women’s movement to win.

But we have won a law that minors under 16 cannot give consent.

Given this, it should be evident that consent is of the essence. It should also be clear that consent must be clear, unequivocal.

Once consent is of the essence, this change, too, helps to banish the following:

1) Reference in police stations and courts and the press to the woman victim’s past life. (This should be outlawed specifically as well.)

2) Reference to the women victim’s clothing. This should, in any case, be outlawed.
3) Reference to the place she was in, or the time she was there.
4) Reference to her job, if she is a sex worker or “escort girl”.
A good law would thus educate the public, as well as the police, the courts, and the press.

Consent cannot exist if the victim is a young child, unconscious, drunk or stoned, suffering a mental disability that clouds their understanding of the proposition.

Consent is specific to any act, and is not given to all acts. It can also be withdrawn after having been given. Just as a medical patient can withdraw consent to a surgical intervention, a woman can withdraw consent to a sex act.

Consent is, in our experience, nearly always quite clear – to the perpetrator, as well as to the victim. It is only patriarchal hierarchy that makes out that women say “no” when they mean “yes”, and so on. If the perpetrator is under the influence of alcohol, this is not an excuse for not understanding that there was not consent. Consent must be freely given, and not under the duress of losing one’s job, or any other threat or implied threat. The nature of the hierarchy between the perpetrator and the victim is what gives some guideline as to whether consent was free or not, e.g. a police officer who is investigating a case in the family can extort sex.

**Under the age of consent**

In general, we agree that consent for a girl to sexual intercourse, or other sexual acts, can only be given when she is 16. So, we agree with the concept of statutory sexual assault. However, if the victim is older than or the same age as the perpetrator, or a similar age, this is different, and the law should allow the possibility of consent. Consent would however not be possible if there is, in addition, a secondary power-relationship – the man
is a relative, an employer, or in any position of power relative to the victim.

**Clarity on “Rape” not needing to be a separate offense**

The MLF believes that “rape” should not be considered a separate offense, but one of the forms of serious sexual assault. This is in turn a form of assault *tout court* – physical contact without consent.

So, it is best seen, whatever the nature – rape or not – as assault i.e. contact of any kind without the consent of the victim. The gravity of the assault is, in our experience, not necessarily to do with penetration but with the degree of harm – physical, psychological – that the victim suffers. It is also unnecessarily embarrassing, even humiliating, for the victim if everything depends on the details of penetration. The younger the victim, the shyer the victim, the more nervous the victim, the worse the experience of retelling becomes, especially if outcome depends on this technicality. Assault *tout court* is clearly not your fault, nor an embarrassment to you. The fault is the perpetrators, and the embarrassment his for the aggression. In addition, having to prove penetration makes prosecution difficult, in practical terms.


(1) For Kreol Version of this article see Chapter Eight
(2) Former Chief Justice Victor Glover: “Dans 95 % des cas, après l’acte, la victime se demande ce qu’elle a fait. Qu’est-ce que les gens vont dire? Elle va alors voir la police pour dire qu’elle a été violée, alors que strictement parlant, elle n’a pas été violée.” (L’Express, 27 October, 2018).
Santans Extrem, Pinisyon Exsesiv

Introdiksyon

Dan Muvman Liberasyon Fam, nu ena 2 demand prinsipal lor enn nuvo lalwa lor asolt sexyel inklir vyol. Lindsey Collen inn prezant nu pozisyon lor konsantman. Mwa, mo pe prezant a Komisyon, nu rezonnman lor kestyon pinisyon. Santans ek Pinisyon Exsesif pa pu geri sa grav problem asolt sexyel (inklir vyol)

Zordi divan sa Komisyon-la, nu pe byin formelman pran pozisyon kont santans ek pinisyon exsesif, kuma sel solisyon pu adres kestyon asolt sexyel.


Dan muvman fam, dan nu 43 an lexperyans kolektif ek dokimantasyon, nu estime ena otur 10% zom dan Moris ki perpetre asolt sexyel enn seri fwa. Li enn krim ki malerezman byin repandi dan sosyete. Sa 10% zom la pe sirkile an liberte. Li sokan me li realite. Asolt sexyel li enn problem sosyal zener-alize dan sa sosyete patriarchal dan lekel nu pe viv. Nu kapav dir,
ariv laz 40 an, kwazi totalite fam finn viktim asolt sexyel depi sa ±10% zom predater dan Moris. Sa indik nu degre sistemik asolt sexyel. Li tris konstate ki sosyete, inklir zom non-predater, pankor kone kuma pu diyl avek sa bann predater la. Sosyete ankor per zot. Zot fezer, zot opere partu, dan lari, dan bis, dan lake, dan lakaz, lor sayt travay, ... avek inpinite. Avek sa konsta la, enn lalwa ki pu fer progre, li sertennman pa dan direksyon pu avoy sa de-trwa perpetrater ki vinn divan lakur al purity dan prizon. Sa li pu ekivo a fer sanblan adres problem asolt sexyel. Fer sanblan, parski li ferm lizye lor sa dizenn milye zom pre-dater an liberte ki pu kontinye asolt avek inpinite. De tut fason, pinisyon exanpler kuma enn zuti pu dekuraz predater sexyel, li enn zuti inzis.

**Met Lavi Viktim an Danze**

Nu ena enn krint byin reel ki si pinisyon tro extrem, li antrenn sityasyon kot ena buku plis asasinasyon anplas-anplas swit a vyol, pu ki perpetrater agresyon la debaras so sel temwin. Sa li enn konsekans non-intansyone sa kalite swa-dizan solisyon, li reprezant enn veritab danze pu fam. Li enn demand ki dimunn fer kan zot pa finn reflesi sifizaman.

Alor, santans exsesif kont perpetrater asolt sexyel so kon-sekans non-intansyone, se ki li pu met lavi viktim an danze. Enn tel lapros dan lalwa pa pu ditu ranpli so rol pu rann lazistis. Si nu get li depi enn lot lang, li pu enn ave ki pena reform posib, e ki sel solisyon se bizin anprizonn perpetrater pu rann lazistis. Pu sit enn temwanyaz depi enn viktim:

“Pu mwa lazistis se pa fokes lor kriminel, me plito lor viktim. Lazistis vedir sosyete antye, rekonet ki ditor inn fer mwa antan ki viktim – sa atraver ka lakur – e pran bann mezir pu eliminn sityasyon ki permet enn tel ditor ariv mwa e anmemtan donn mwa sutyin lor mo sime pu sorti depi sa troma asolt. Lazistis
vedir kree kondisyon pu ki perpetrater rekonet ki zot finn komet enn krim e donn zot enn sime pu reparasyon atraver reform ek reintegrasyon. Nanye pa pu sanze dan lefet ki mo finn sibir enn asolt sexyl. Nanye pa pu refas sa tromatism, ni enn santans prizon 100 an ni ki kantite servis kominoter. Lazistis pa kapav defer seki finn ariv mwa me par kont, li kapav viz pu redwir kondisyon ki permet sa kalite krim re-arive.”

Fors Silans Viktim akoz lanze tro gran

Viktim asolt sexyl pa raporte parski viktim pa santi li ena sutyin ki neseser pu ed li pu diyl avek sa tromatism ki asolt sexyl inpoze lor viktim. Viktim santi li pu anburbe dan ankor sufrans san okenn lespwar pu sorti san domaz.

Santans extrem, pu met enn fardo andeor propsyson lor viktim pu ki pa raport perpetrateur, mem si li resi sirviv sa agresyon. Si li so tonton, so boper, so gran kuzin, so vwaizin – ki suvan le-ka, li pu responsab fer ferm li pu tu sa letan la? Abe, li pa pu fasil pran enn tel responsabilite. So lanturaz net pu riske vir kont li. Ka asolt sexyl pu tuzur refiz get sa inzistis sistemik dan sosyete ki lasurs tel vyolans.

Bizin ena reform dan zidisyer osi byin ki kad dan lekel nu pran swin viktim ki vinn delavan.

Ena plizyer fason pu apros lazistis ki anmemtan takul sa kiltir asolt sexyl ek patriarsi an zeneral.

Lazistis, vre lazistis, bizin met fokes lor viktim ek seki neseser pu ed viktim. Sa vedir lakur, prosekiter, mazistra, ziz bizin met lanfaz lor verdik plito ki lor santans. Bizin ena enn shift depi sa ekwasyon krim avek pinisyon pu ki al ver enn sosyete ki pran sarz pu rann krim asolt sexyl inakseptab. Olye re-viktimiz viktim ki vinn delavan pu temwayn so tromatism, sosyete bizin rekonet komye kuraz, lafors ek preseverans inn pran pu viktim vinn koz lor sa krim ki finn komet kont li.
Kuma enn sosyete, nu bizin pran konsyans ki pinisyon extrem so lefe a lonterm lor sosyete ek lor vyolans.

Pinisyon extrem li plito popilist parski lor sifas li adres laraz, lakoler piblik kont asolt sexyel ki zeneralize dan sosyete. Li pu enn rekil si sosyete vinn konplis dan ankuraz e fer koverep pu mazorite perpetrator vyolans sexyel ki pa vinn divan lakur.

Enn lalwa ki ed viktim asolt sexyel ki nu bizin. Pa enn lalwa ki servi lakoler, laraz, fristrasyon ek santiman inpwisans pu ranforsi striktir kuma prizon ek lafors polisyer ki asontur, pu anfons nu plis dan enn sik vyolans. Santiman laraz li tutafe natirel, me li pa enn bon polisi pu met an-pratik seki nu dir dan laraz.


**Sanz balans defors**

Nuvo lalwa ti devet ena kuma so filozofi pu sanz balans defors. E kuraz Sandra O Reilly an 2002 finn permit sa balans defors la kumans sanze.
Dan muvman fam, nu pe milite pu dimunn denons asolt sexyel dan sosyete, ki li raporte lapolis ubyin non. Sosyete bizin reflesi kuma pu ed viktim asolt sexyel pu denonse – rakonte avek kamarad, fami, lapres, CDU, institisyon relizye, lasosyasyon, sindika. Viktim bizin ena lespas pu rakonte, denonse, averti lezot fam, fer dimunn kone ki finn pase – osi vit ki posib apre sa troma la. Diskite, is pa enn ka lapolis plis apropriye, si enn ka lakur plis apropriye, si li pu itil ubyin non dan sa ka partikilye la, si li pu avans sosyete ek viktim la, ubyin non. Me, dan tu ka li inportan fer dimunn kone. Dan sa kontex la, nu sutenir lapros muvman #metoo ki ti fonde an 2006 dan USA ki finn uver sime e finn montre ki sa posib.

MLF dan muvman fam deza angaze dan sa travay-la.

Konklizyon

Alor, nu pe propoz LRC pu ede dan sa konba pu eradik asolt sexyel atraver enn nuvo lalwa ki:
- diminye, pa ogmant, santans prizon pu ki pa met lavi viktim an danze e pu ki pa fors viktim pu perpetye silans lor krim kont li akoz lanze tro gran;
- met konsantman kuma enn pwin santral, ek organiz enn kanpayn nasyonal zeneralize kont asolt sexyel; pu nu al dan bon direksyon.
Nu mezir nu progre, nu viktwar pa par anprizonn enn-de zom pu lavi me sosyete an-antye fer asolt sexyel telman inakseptab ki okenn perpetrater pa ule riske sa izolasyon ki so krim pu antrene.

21 Zilyet, 2019
In Canadian law, rape has been considered a form of sexual assault, rather than a category that is separate from assault laws. This is so since 1983. (1)

There have been, over the years, and particularly in the last 3 years, waves of amendments to these Sexual Assault laws as part of the Canadian three-fold strategy against gender-based violence:

- to prevent gender-based violence,
- to provide support for survivors of such violence, and
- to promote responsive legal and justice systems.

The intention of government and Parliament in amending Sexual Assault laws is not based on punitive or repressive ideas but rather seeks to encourage victims of sexual assault to come forward and report it. It is estimated that only 5% of sexual assault cases in Canada are reported to police. Amendments to the law are accompanied by “more support for trauma-informed and culturally appropriate practices, and training and resources for a range of service providers and criminal justice system professionals”. Laws relating to sexual assault are, at the same time, being actively popularised by Canadian authorities. (2)
Definition of Sexual Assault in Canadian Criminal Code

1. Sexual assault is defined as any sexual activity without consent (see Section 265). This definition includes rape. The broad definition of Sexual Assault adopted means that:
   a) There is recognition that other forms of unwanted sexual activity can be as damaging to survivors as forced sexual intercourse,
   b) The useless and humiliating debate in Court focused on whether there has been penetration or not is done away with.
   c) The law includes sexual assault by a person of the same sex as the victim, or by a woman. The MLF’s aim is to oppose sexual assault as a form of patriarchal violence which is not limited to sexual assault on women.
   c) In the Mauritian context, it would also make it possible to revoke Section 250 of the Mauritian Criminal Code that outlaws consensual “sodomy” (anal intercourse).

2. Sexual Assault is part of the section on “Assault” (see section 265) meaning that the emphasis is on imposed sexual activity, not on the technical nature of the sexual activity. Just as in all assault under Canadian law, there are three levels of sexual assault: the degree of personal injury to the survivor determines which level applies. (See clauses 271, 272, and 273).

Consent

1. Consent is defined as being “the voluntary agreement of the complainant to engage in the sexual activity in question” (See 273.1 (1)). Consent is considered a question of law (See 273.1 (1.2).
   Lack of consent is defined as:
   “(a) the agreement being expressed by the words or conduct of a person other than the complainant; [and includes cases where]
(a.1) the complainant is unconscious;  
(b) the complainant is incapable of consenting to the activity for any reason other than the one referred to in paragraph (a.1);  
(c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;  
(d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or (e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.” (See 271.2)

The definition of Consent is not restricted to the circumstances where no consent has been given described in this subsection (See 273.1 (3)). This is in stark contrast to French law based on a completely different logic of establishing “violence, constraint, threat or surprise”.

2. Belief that there had been consent is not a defence according to law when this belief is based on the accused’s “self-induced intoxication”, “recklessness or wilful blindness”, choosing to ignore signs that there is no consent, where no steps are taken to check whether consent is being given, where there is no evidence of consent given and/or when the complainant is in no position to give consent (See 273.2).

The responsibility for ensuring there is consent is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again, to assume that consent now exists. Consent to future sexual activity is not consent if at that later time a person is unconscious.

3. A husband or wife may be charged with sexual assault in respect of his or her spouse, whether or not the spouses were living together at the time (See Section 278).
4. The age of consent for sexual activity is 16 years. However, in Canada, the age of consent is 18 years where the sexual activity involves prostitution, pornography or occurs in a relationship of authority, trust or dependency (e.g., with a teacher or babysitter). There are exceptions for sexual relationships for people who are close in age. (See 150.1) This means that a person in Canada as young as 14 can legally consent to sexual activity with someone who is less than five years older than them as long as there is no relationship of trust, authority or dependency or any other exploitation. The MLF believes that such legal consent should be limited to someone three years older, that is, less than 18 years. In Canada, a 12 or 13-year-old can consent to sexual activity with another young person who is less than two years older and with whom there is no relationship of trust, authority or dependency or other exploitation. We believe these exceptions to be reasonable especially given that sexual activity includes touching or kissing.

**Sexual reputation of complainant inadmissible as evidence**

1. Evidence of sexual reputation, whether general or specific, is not admissible for the purpose of challenging or supporting the credibility of the complainant under sexual assault laws (Section 277).

2. Evidence of whether the complainant engaged in previous sexual activity with the accused or any other person to infer that consent for sexual activity in question was given or to attack the complainant’s credibility is not legally admissible (See 276.1).

**Consideration for Sexual Assault complainant**

1. Canadian Sexual Assault laws explicitly show relatively more consideration for the complainant. For the production of any record on the complainant, for instance, relating to a complainant or a witness being produced to an accused during
proceedings the judge/s must weigh among other factors: “(c) the nature and extent of the reasonable expectation of privacy with respect to the record; (d) whether production of the record is based on a discriminatory belief or bias; (e) the potential prejudice to the personal dignity and right to privacy of any person to whom the record relates; (f) society’s interest in encouraging the reporting of sexual offences; (g) society’s interest in encouraging the obtaining of treatment by complainants of sexual offences; and (h) the effect of the determination on the integrity of the trial process” (See 278.5 (2)). A record is defined in law as containing personal information for which there is a reasonable expectation of privacy – see 278.

Similarly, “Society’s interest in encouraging the reporting of sexual assault offences” is one of the factors that the judge/s must weigh in deciding whether any proposed evidence involving past sexual activity is relevant to the case in question (See 276 (3) (b)).

2. Corroboration is not required and the judge does not instruct the jury that it is unsafe to find the accused guilty in the absence of corroboration in Sexual Assault cases (See 274).

3. There is no time-limit to report and for criminal charges to be laid in Sexual Assault cases.

**Sexual Assault in real terms**

There is an on-going national survey on Gender-related violence launched in April 2018 to understand the reality of gender-related violence in order to prevent it and to support survivors and to ensure justice. The contribution of the women’s movement, in particular movements such as *MeToo*, *TimesUp*, and the global *Women’s Marches* exposing sexual assault particularly by those in a position of relative power, and exposing the challenges faced by survivors has been officially recognised by the Cana-
dian government (See first link). Such an approach provides a way to gauge whether Sexual Assault laws are of use to victims. The MLF believes this kind of enlightened approach far more useful than a one based on repression.

21 July 2019


(2) Related links:
Examples of shift towards addressing sexual violence by police and armed forces in Canada:
https://www.edmontonpolice.ca/CrimePrevention/PersonalFamilySafety/SexualAssault/WhatisSexualAssault
CHAPTER TWO

SOUFIA BHAM IN 2019 ON

Sexual Assault, Punishment & Justice under Patriarchy

Following MLF’s discussion on the recommendations of the law reform commission (LRC), I have been trying to dig deeper into my own understanding and conceptualisation of what justice means when it comes to sexual assault. It’s a difficult subject to explore, given that we live under patriarchy and rape culture and given how many of us have and continue to be subject to sexual assault in our daily lives. My own judgement on this is far from objective. Yet, I refuse to dismiss my own understanding of the issue on the basis of objectivity. There is no such thing as objectivity when it comes to survival mechanisms under patriarchy. There is value in lived experience just as much as there is value in questioning the ways in which we deal with the emotions that stem from lived experience.

The immediate response to experiencing or hearing someone being a victim of sexual assault tends to be one of fury. Understandably so, I am angry not just because it is unacceptable but because this happens so much my daily life and that of the women around me. From being followed to being groped to even more violent forms of assault.
The perpetrators aren’t just strangers, it’s most likely to be men in our social or familial circle. This recurring experience of trauma we are told, is part of the lot of women. So I’ve got to learn to make certain detours or to toughen up one way or another. How am I to react to yet another instance of violence if not with fiery anger. I’m always angry about all these past transgressions for which there is little hope - if any- for justice. My reaction is thus mingled with all that pain, all that justified rage and every other emotion that comes with living under capitalist patriarchy. I want perpetrators to suffer, I want them to feel the same helplessness I have felt and the shame and suspicion that was somehow ascribed to me as a victim. What does justice mean? When I’m fighting for the liberation of women, what exactly am I fighting for? A society in which perpetrators are identified and locked up for a certain period of time or a society in which I don’t have to worry about assault because it is clear through our actions, norms, practices and discourse that it is a reprehensible crime to violate the humanity and bodily autonomy of another person through sexual assault? The answer is clearly the latter.

This also brings me to dissect my politics when it comes to policing and incarceration. It is clear, in analysing the historical and philosophical ideas underpinning the prison system that it has never been about reform. Evolving from the monarch’s right to his subject’s life and the public spectacle of his punishment to the state’s right to regulate other elements of what makes us human, namely social interaction, freedom of movement and of choice while still retaining productive labour makes it difficult to see imprisonment in any other light than a form of violence perpetrated by the state. This is even more concerning given the magnitude of the prison industrial complex in certain regions of the world. The use of prison labour to fuel the cap-
italist machinery is yet another form of slave labour, whereby workers have neither agency nor ownership of their work. In addition, there is a whole other dimension to contend with when we engage with policing. We know that policing disproportionately targets the most vulnerable and perpetuates cycles of violence. We all know about corruption and abuse of power amidst the rank of the police establishment. How can we then rely on these concurrent systems of policing and incarceration to bring justice through the very same mechanisms that are at the root of sexual violence and assault?

This is not to say that I am fully dismissive of imprisonment as a form of protection against violent people who are in no shape or form willing to engage with justice or willing to commit to reform. I think we need to engage more critically in how we approach reform anyway but that is a conversation for another time.

Yet, the trap of carceral feminism looms on how we understand justice for victims of sexual assault. I came across the term carceral feminism in a debate about the rights of sex workers. The term, coined by Elizabeth Bernstein and similarly described by Marie Gottschalk as “a drift from the welfare state to the carceral state as the enforcement apparatus for feminist goals.” This carceral feminism relies on policing and incarceration as a means to achieve justice. Yet, it is difficult to define justice in prison terms when we contextualise our knowledge and experience of the prison industrial complex and police brutality. It is even more so when we consider how incarceration in my own country does little to reform or provide a path to reintegration into society for perpetrators of violence. We thus lock up those few who are arrested, subject them to the violence of the carceral system and expect them to come out of it well-adjusted while also serving as a deterrent to others from perpetrating the same
violence. While prison time has yet to have proven its value as a deterrent, it also exposes the perverse implication that we should make an example of a perpetrator, a spectacle as the monarch would have had it in medieval times in order for justice to be served. There is also the consideration that prison sentences tend to be doled out in discretionary terms, with marginalised groups being handed longer, tougher sentences while the socially and economically privileged are given “second chances.”

As mentioned in our discussion of the LRC recommendations, longer prison sentences, might instead incentivise perpetrators of assault to get rid of their victims in an attempt to escape the spectre of incarceration. This very likely outcome is a far cry from justice. It places a disproportionate burden on victims to not only report an offender - if they make it through the assault,- but also of having to go through the ordeal of reliving their trauma to prove beyond doubt to the court that their perpetrator is indeed worthy of that exemplary sentence. Sexual assault hearings then become tales of crime and punishment that does nothing to address the systemic inequities that create the breeding ground for violence.

We are perhaps conditioned to believe that there is no reform possible and that criminals need to be locked up to deliver justice. Yet to me, justice doesn’t involve centering what happens to the criminal but to the victim. Justice means the society as a whole, recognising that I have been wronged - through the judicial process- and that it must take steps to eliminate the situations that have allowed for this wrong to happen while supporting my path to healing from the trauma of assault. Justice means creating the conditions for the perpetrator to recognise that they have committed a crime and giving them an avenue to work towards a semblance of reparation through reform and reintegration. Nothing will change the fact that I have
been assaulted. Nothing will erase this trauma, not a 100 years of prison time nor any amount of community service. Justice cannot undo what has been done to me but it can instead, strive to reduce the likelihood of this crime recurring.

I recently went back to read the letter written by the survivor of a violent assault in the US, and read to her rapist in court. It struck me how while the victim was appalled by the ridiculous sentence given to the perpetrator, it wasn’t the length of the sentence per se, that was an issue. It was the logic behind. The victim reiterated the fact that the jury had unanimously recognised that she had been violently assaulted and that this constituted a huge step in regaining a sense of ‘self’ that had been snatched from her. She had furthermore spoken to officials about how she did not believe in excessive sentencing but in her letter, explains that the judicial process had failed her not by delivering a light sentence but by delivering a light sentence in order to not affect the future of the man who had raped her. Indeed, the judge ruled that a longer sentence would have ruined the life of the man who had violently assaulted this woman. The attacker, throughout the trial refused to admit to their crime - they were caught in the act- and repeatedly lied and revictimized the victim in the press and at court. The letter further details the impact this entire process this has had on them and the long term trauma that has accompanied this assault.

Thinking back on my own experiences of assault, which have mostly gone unreported, I have come to see a pattern. I have not reported the violent assault I was a victim of nor the smaller incidents because I did not feel like I would get the support I needed at the time, to deal with the trauma. I instead, felt like I would be put in a position of further harm with little to no hope of coming out of the process unscathed. The judicial system itself needs reform as do our framework for dealing with victims.
who come forward. There are many ways of approaching justice that also tackle rape culture and patriarchy at large;

1. Justice, true justice, needs to center victims and their needs. This means that our courts, prosecutors and judges need to emphasize verdicts over sentencing. We need to shift from the binary of crime and punishment to a larger societal form of deterrent. Instead of re-victimising those who come forward with their trauma, the society should take the time to recognise how much courage, strength and resilience it takes for them to come forward. This implies setting up the support system, networks and institutional frameworks that can aid victims to heal from their trauma.

2. Reform instead of prison time. As a collective, we need to engage more critically with our recourse to incarceration and what its long term impacts are on the society and on violence. While this may sound utopian to some, it is already a reality in countries like Sweden, which focuses prison time on reintegration and the reduction of repeat offences.(5)

3. Change has to be systemic and has to be evidence-based. Increasing minimum sentences are populist measures that on the surface address public discontent over the rampant sexual violence in our society. This however fail to address the the mechanisms of patriarchy that make the wider society complicit in abetting and covering up for perpetrators of sexual violence.

This conversation makes sense to me, at this point. To focus on transformational justice instead of allowing my anger, frustration and sense of disempowerment to be exploited by structures like the prison industrial complex or the police establishment as an excuse to further the cycle of violence is the way forward. This in no way means that I am not allowed to be furious or seek other ways to address the complicated emotions and survival
mechanisms that come from these experiences. I get to have ownership of that process, whatever it entails, outside of the spectre of patriarchal violence.

3 July, 2019

References
5. James Erwin, Prison is not for punishment in Sweden. We get people into better shape. The Guardian, November 2014. (Online)
When people hear about the world-wide women’s rebellion against sex abuse by men with power in the various patriarchal hierarchies that persist in today’s society, they might think that, when the issue is taken up here by the Muvman Liberasyon Fam or #shamethem, that they are merely the tail-end of a world-wide movement led by Americans in Hollywood. But it’s not true. Here are some ways women have dealt with sex abuse in Mauritius in recent history. Let’s start with the biggest movement of all against sex abuse – when thousands of field labourers went on strike in 1970 – and end with the strong symbolism of the women’s march, “Fam Reklam Lanwit”, from Port Louis to Curepipe held on 8 March 1983.

A powerful Strike
In 1970 there was a rolling strike. It was a protest against sex abuse and rape at the Médine Sugar Estate. There was a kolom who, with the collusion of a sirdar, first isolated a woman labourer from her work-gang, then raped her. It was ongoing violent assault, inflicted on women one by one. Dreaded. But
hard to oppose. The woman worker could lose her job if she spoke out. Shame would fall most likely on her in the ensuing scandal. Bosses might sack witnesses, too. Work was scarce. Bosses kept blacklists.

This kind of work-site rape was common then. It had been common from the time of slavery, through indenture, and it is still all too common today – at the cybercity, not just in factories and fields.

By 1970, Médine women labourers were furious. Their anger had been kept secret. Their suffering, too. It was something spoken of in whispers. What kind of riposte could they organize to put a stop to this?

The *kolom* organized with a sirdar for a young girl worker of 12 to be his prey. These were the days of *chokra-chokri*, children workers. So, the rape was of a child. They confided in a man labourer colleague who they trusted, the late Ramesh Khaytoo.

Mauritius was in the middle of a State of Emergency, yet workers managed to plan a strike. How do you do this without losing your job? Without getting arrested and locked up without trial? Without being set up for some criminal offense by the boss? Not easy. So, field labourers, under the leadership of women and Ramesh Khaytoo, planned and held a rolling strike, Annex by Annex, all over the whole of Médine Sugar Estate. Women labourers were key. They said the equivalent then of “*me too*”.

On Monday, everyone working in the Palmyre Annex went on strike, while the other seven Annexes worked away as though everything was hunky-dory. Tuesday, while the Palmyre workers all arrived back at work as if nothing had happened, there was a total strike in the Yemen Annex. While everyone else worked heads down. On Wednesday, the Palmyre and Yemen workers were both back at work, but this time La Mecque labourers were all absent. And so on.
It had a strange effect on the sugar bosses. They felt they were being attacked by a poltergeist. A Tit-Albert. They went catatonic. They could not get their heads around it. What could they do about it? They enquired through their spies and finally found out that there was a sexual predator amongst the managers. They sacked him. The strike had been a total success. No workers lost their jobs. No-one arrested. This gave women workers immense confidence. No sindikalist had been involved. They did it by themselves. Imagine the profound lakorite or “common understanding” that was necessary to plan and execute that kind of strike.

It is no secret that the labourers of Médine were the back-bone of the biggest working class movement in Mauritian history, the 1979 strike. They built their strength, on the women’s 1970’s experience.

**First Women’s Manifesto against Rape and Sex Abuse**

The Muvman Liberasyon Fam published a first Manifesto including on sex abuse in mid-1977. Section 3 was on “Fam ena Drwa Proteksyon kont vyolans”, both “legal” and “physical”. Rape and “forced prostitution” are mentioned as types of violence. As a sign of the times, Section 5 reads: “Fam bizin ena liberte al kot li ule, fer seki li anvi, zwenn dimunn ki li anvi.”

**Sting Operation and Public Denunciation of Predator**

There was a sexual predator operating in Port Louis, offering to find a young woman a job, luring her into his car, then driving to a lonely place and demanding oral sex. One such woman victim, already abused, when the man was leaving her, suggested that she bring another woman and meet him in two days’ time. What presence of mind she had! She set up a rendezvous with him. She then immediately came to an MLF meeting at which we planned the rest of her “sting operation”.

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So, on 3rd August 1977, she and another MLF volunteer stood in front of the Bank of Baroda Building in Sir William Newton Street as planned. Another 23 members of the MLF lay in wait, meanwhile, in the Bank, Hand Loom and other nearby shops. When the man parked his car and approached the two, we all sprang out and started screaming at him at the tops of our voices, denouncing him. He at once saw the trap, jumped back into his car, prang another car, then sped off.

The MLF then brought out a communiqué that warned women of a man who “rul Volkswagen nwar F716 e ki dir li pu fèr bann fam gayn travay. Li enn gro bug, ledan lor o-milye, met linet fime, e bush shirt. Fer atansyon! Pa rant dan so loto!” (Le Militant, 9 Aug 1977). Le Mauricien, 5 August 1977 wrote: “Un jeune homme d’une trentaine d’années, Casanova [sic] malchanceux, s’est fait assailler; vers 13 hres, par une trentaine de filles qui se déclarer avoir été ses ‘victimes’”.

**February 1978 Mass Women’s Meeting in Company Gardens**

In the run-up to International Women’s Day, Solidarite Fam, a common front the MLF set up, held a meeting of 300 women in the Company Gardens. Among themes publicly addressed, and in the Manifesto voted, was opposition to sex abuse and violence. Rajiati Chengebroyen spoke on this subject. Other speakers included Rajni Lallah, the late Zubeida Bahim, Kisna Kistnasamy, Marie-Claire Bibi, Shireen Aumeeruddy, Lindsey Collen, Evelyn Bibi, the late Denise Nakeed. Predators began to be reigned in by society.

**Mass women’s participation in August 79 Strike**

The August 1979 general strike movement that began in the sugar industry was, in large part, driven by the active role of women field labourers from all Estates. After the strike they
came to Port Louis to support the leaders’ hunger strike in the Company Gardens. An individual homeless woman who had suffered eviction, finding herself amongst a crowd of people being arrested for strike-related clashes, danced inside the Police Station at Line Barracks, singing, “Sel solisyon, revolisyon”, as her six-year-old boy, clapped his hands, and sang “Alalila, Mama, alalila, Mama!” A small group of women from Baie du Tombeau, when Zardin Konpayni was declared a Prohibited Area, would prance by in single file in La Chaussée, singing out, Sel Solisyon, Revolisyon, and when the Riot Police would start to act, they would melt away. Only to reappear from another direction 15 minutes later. Such were the times. It was in this movement that women made progress in quelling some of the sex abuse and street harassment that had existed in the past.

**Repression of Demonstration against Rape by policemen**
Women were furious because two women, who had gone to the Petite Rivière Police Station one evening in 1977 for help over a neighbourhood fight, were raped by police officers in the police station. Four years later, the Case had still not come to Court. So, on 14 January, 1981 some 15 MLF members gathered inside Cite Richelieu to prepare a demonstration in front of the Police Station. Something strange then happened. Police officers and plain clothes men attacked us and grabbed away our pancartes like thugs working for a dictatorship before the demonstration even began! Men were afraid of a women’s demonstration.

**Mass Movement of 1980, again massive women’s participation**
The mass movement to force the Government and bosses to respect the 23 August 1979 Agreement that ended the strike the previous year, was again given its immense power by the participation of women in the demonstrations that surrounded the long hunger strike. This movement, like the August ’79
strike, caused a marked reduction in street abuse. This lasted for some 20 years, but in the new millennium, abuse is back!

Women in Diego Garcia Hunger Strikes and Demonstrations

In 1981, the Chagossian women, rich with experience of the 1979 and 1981 movements in which some of their leaders took part, together with LALIT and MLF women, organized their own hunger strike and 3-days of demonstrations that ended in the police provoking violent street battles against the women, which the women won. During these rebellions, Chagossian women taught all women of poor areas of Port Louis how to deal with the police. Prior to this, police used to exact sexual services in exchange for anything a woman was forced to address the police for. But, from 1981 onwards, fearless of patriarchy, the Chagossian women taught us all how to end this abuse by the Police.

The Night March “Fam Reklam Lanwit”

On 8 March, 1983, Solidarite Fam – led by Muvman Liberasyon Fam – held a women only night-long walk from Company Gardens in Port Louis to the MLF women’s centre in Curepipe. Fifty women, some with children, participated, expressing this way their opposition to sexual harassment in the streets and public places. (Le Mauricien, “Des Femmes revendiquent la rue la nuit” of 9 March, 1983). The streets of La Butte, Borstal, Beau Bassin and Rose-Hill were lined with women supporting the march.

So, when we go forward in the struggle for women’s emancipation and liberation, we must be sure to lean upon the gains of these and all other struggles of the past, before the short time of the article, and after it. This way we do not re-invent the wheel!

2 February, 2018

(1) MLF Article first published in L’Express, 7th February 2018, then on LALIT website www.lalitmauritius.org on 8 February 2018.

For Kreol Version of this article see Chapter Eight.
Priz Pozisyon Konstan lòr Letan lòr Agresyon Sexyel

Manifesto Muvman Liberasyon Fam, Ut 1977

Fam Lite 1978

**ATAK LOR FAM**

“Aster-la nu pu defann nu kont bate, sikane, vyol”-

MUVMAN LIBERASYON FAM

**NU, BANN FAM, NU**

Pu lite ansam kont vyol e kont tu agresyon lòr nu
* Pena ezkiz pu vyol
* Pena bi lu mudyenn
* Pa gay la vyol ézéman
Lavi prive victim vyol-la

 Vyol - enn agresyon lòr fam - na pa enn krim seksyel.
3. Women have the right to get protection from any violence — physical and legal protection against personal and collective violence which is inflicted on women and especially protection against rape and "forced" prostitution.

4. Look after children, cook food, wash clothes must become socialised works — not individual works. Day-nurseries and canteens in working-places

Demand Solidarite Fam, 8 Mars 1981

10. We will continue to denounce sexual attacks, including rape, whether within the family, within marriage, or by unknown men, whether against women or men; we will continue to demand changes in rape laws (to include rape within marriage, to define rape not by penetration, but as an assault, and to remove the concept of “provocation” or of rape victim’s personal history).

11. We will fight against sexual harassment at work.

MLF depones on Sexual Offences Bill, 2007
Nuvo Manifesto Fam, Mars 2011

- Nu ule rant dan tu sekter travay!
- Saler egal. lapay egal! - Drwa sindike! Drwa lagrev!
- Enn lalwa ki tret vyol kuma enn agresyon, san lanfaz lor laspe sexyel!
- Non a arselman par zom macho!
- Egalite dan lalwa, ek dan Konstitisyon Moris! - Enn sel lalwa maryaz pu tu lam!

E nu ti dir ki liberasyon fam li pu depaann lor mobilizasyon

Common Declaration 2018

I, the undersigned, stand with women all over the world who are raising their voices against predatory men, men who use their positions of “relative power” on the worksite — or in other institutions — so as to abuse women. Times are changing. Organizations with a modicum of democracy — including political parties, unions and professional associations — are beginning, everywhere in the world, to hold men accountable, or to revoke them or expel them for abusing women. We, women, worldwide are beginning to raise our voices against sexual and sexist abuse. I for one will no longer collude with this. Thus, I add my signature, me too.

Deklarasyon Komin


Ala mo siyne, mwa osi.}
Support for New Worldwide Movement Against Sex Abuse *

The MLF stands together with the new world-wide movement against sexual and sexist abuse of women, which had its roots 12 years ago in the “#metoo” movement founded by Tarana Burke.¹ This movement became visible recently with the exposure of Hollywood’s ex-Miramax boss, Harvey Weinstein.² He was able to abuse dozens of women workers, including actors, over decades because those around him covered it up. He employed a web of lawyers and even ex-Mossad secret agents to shut women up about what they suffered.³

The #metoo movement is the first big uprising of women to oppose the counter-revolution that had said, “Women’s liberation is over!” It exposes “post feminism” – through Weinstein – who funded feminist Hilary Clinton’s campaign, who took Democratic President Obama’s daughter on as stagiaire, and who even participated in the women’s march against Trump, so feminist was he!

Today, literally dozens of other high-profile powerful men – in politics⁴, TV and the press⁵ as well as in show business in the US – have been forced to resign because of using their positions of relative power in order to abuse women. A British Cabinet Member had to resign.⁶ In Britain, BBC’s Top of the Pops host, Jimmy Savile was stripped of his Knighthood after his death,
so disgraced was he.\textsuperscript{7} And in Mauritius, politicians are, for the first time in history, being taken to task by their own parties and the press for sexist and sexual abuse – Tarolah, Khodabaccus, Arunasalon and Rutnah – while others are covered up by their organizations and the press.\textsuperscript{8} In India, Bollywood actors are opposing sex abuse\textsuperscript{9}, while in Peru and Chili there is mobilization during the Pope’s visit about priests’ abuse being covered up.\textsuperscript{10} In France and Belgium, the chouchou de la presse, supposed scholar Tariq Ramadan, who preaches against adultery, has been publicly denounced for philandering and sex abuse over many years.\textsuperscript{11} At the same time, the extent of the sexual abuse of children in institutions, particularly religious ones, has been exposed by the Australian 5-year Commission of Enquiry.\textsuperscript{12}

In the working class, too, women have raised their voices against predatory men at work by exposing sex abuse suffered, for example, by nearly 6,000 women workers at a Chicago Ford factory.\textsuperscript{13} It is working women who will show the way towards articulating this struggle against macho behavior with the struggle for socialism.

The movement exposing these predatory men is particularly important at a time when Donald Trump was elected USA President even after bragging about groping women’s “pussy” and peeping, as boss, into Miss America dressing rooms.\textsuperscript{14} This shock at a return to a feudal form of patriarchy in power in the USA, came after a “near miss” in France, where Dominique Strauss-Kahn almost became President. He was fortunately publicly disgraced for his predatory behavior just in time.\textsuperscript{15} In Italy, there was Prime Minister Berlusconi found guilty of sex with an underage paid escort and, though the judgment was overturned on appeal, he is now charged with “buying” witnesses.\textsuperscript{16} Berlusconi is now allying with Catherine Deneuve and 100 reactionary French women shoring up the very patriarchy
that is finally being put into question so bravely by victims of sex abuse.¹⁷

**MLF’s Long History of Opposing Abuse of Power**

The MLF has long opposed men in positions of relative power abusing women over whom they have a power differential. When President Clinton abused a young woman *stagiaire* in the mid-1990s, as part of our ongoing international work, MLF insisted, in two open letters sent to American women’s organizations, to call on them to demand that Clinton step down as US President.

Most women’s organizations in the USA did not, however, heed this call.

The *National Organization of Women* (NOW) first replied to us that there was no proof against Clinton. Then when DNA proof emerged, they argued that, since he nominated women to positions of power, it was not expedient for him to step down. They added the appalling line that Clinton’s sex abuse was a result of “the aphrodisiac nature of power” – to use their ridiculous expression. The MLF was way ahead of them already then, talking in our letter of the *power dynamics* – that are only today becoming mainstream analyses in the USA women’s movement.

**Need for principled stand**

And today we can see how these US women’s organizations’ unprincipled support for Clinton has proved a fatal handicap when, 20 years later, they and other Democrats who defended Clinton, attempt to oppose Donald Trump, the most dangerous of all US Presidents, for his sexual and sexist abuse of women. Their credibility is nil. Trump to reply has just to mention Bill Clinton and they have to shut up. The women’s organizations have thus had to trail behind the #metoo movement.
Power differentials

Sex abuse is about power. It is about violence. It is about lack of consent. It is about abuse perpetrated by someone in a position of relative power. It is not about aphrodisiacs, nor about “galanterie” or “la drague” of any kind, as Catherine Deneuve and Co. say it is. Even Deneuve in her semi-apology for having signed the petition against the #metoo movement has corrected her line, saying now, rightly, that the problem is “always the power, the hierarchical position”.

Macron breaks with “French Exception” over abusing women

We, in the MLF, call on people to listen to, or read, French President Emmanuel Macron’s coherent speech against violence against women. It represents a major advance for French society, which has notoriously justified abuse against women under the pretext of a kind of sadistic “libertinism” – the particular concept existing only, as far as we know, in France – and “seduction”, a form of manipulation considered a game that can become rough. The advance for France is an advance, by ricochet, for Mauritius too, where the intellectual elite is so Francophile.

The progress in France follows decades of political leaders and the press masking DSK’s violent sex abuse and, before that, masking President Mitterand’s being married while oppressing two mistresses and children, all confined to lives, like slaves, in the shadows. The MLF at the time invited five women journalists to discuss how the Press should not mask abuse like DSK’s and this, in the public interest, and not take “private life” as an excuse. It is the same excuse that used to be used for domestic violence.
Avoid Depending on the Patriarchal State for Redress

MLF commends the #metoo movement for freeing women from the additional oppression of an obligation to shut up or rely upon patriarchal hierarchies – police and courts – for the exposure of male predators. What is important, if we want to put an end to impunity, is not for the repressive forces of the state to find a man guilty beyond reasonable doubt and then lock him up. No. This may be necessary and appropriate as a remedy in some cases, of course. But, what is important is for everyone to stop excusing this predatory behavior by powerful males, to stop covering it up. If the men are politicians, their lies and deceit, their hypocrisy must be exposed in the Press. And not hidden. We need to stop veiling this behavior. That is where the pudeur lies. A false pudeur that comes of fear of powerful males. What is important is to make it known that a man is acting abusively, and get him to stop it. And certainly not accord him any power over women. We know these abusive men often have tragic problems of their own, no doubt terrible abuse suffered as children but they cannot be allowed to go around torturing other people. Their power to do so – a social power – must be withdrawn. Harvey Weinstein has lost his power. He is instead in utter disgrace. His wife has left him. If he is finally brought to Court as a result of the rape allegations, this will be due process for criminal behavior, and the Courts will decide. But, for his abuse of women, he has been socially punished already.

In fact, this “relativization” of the importance of “going to the police” has become the leitmotif of the recent movement against predatory males: it is at long last recognized that the important thing is to speak out against these males, and to be free to do so – without retribution, humiliation, and without being ignored or criticized. The predatory men’s friends, relatives,
organizations they are in, must bring them to book. DSK, for example, was finally fired from work, expelled from the *Parti Socialiste*, tried and found not guilty of running a brothel, and kicked out by his wife. Had he been called out for abusing women when he first began it, the social punishment would not have needed to be as extreme.

Whether to lay charges against abusers of power, or to sue these predators, depends on your chances of winning in these patriarchal institutions, and on whether a particular case, if taken to Court, is likely to bring progress for everyone *as well as the victim*. It is also up to the victim to decide whether it is possible. She has to do what journalist Ronan Farrow calls a “cost benefit analysis” of even speaking out, let alone facing the stress of going to the Police. Finally, it is no longer another stick for macho men to beat women with if they do not go to the Police. Or, if they have delayed exposing someone.

**Wrong analysis leads to wrong strategy, wrong demands**

The MLF condemns the political current in the women’s movement that works for women to rise to positions of power *within existing patriarchal hierarchies*. We must unite instead to *decrease the power* of patriarchal hierarchies. It is not only useless to women’s liberation for women to rise to positions of power within patriarchy, but often actually *harmful* to the struggle for equality. It produces not only unprincipled stands (like excusing Bill Clinton) that are later in practice a handicap, but also the wrong demands i.e. demands (like calling for more police), and then, in turn, strategies and tactics that may, and often do, strengthen patriarchal repressive structures! In order to weaken patriarchal structures, we know that we have to recognise them, for a start, and then aim to weaken them, and to “flatten” all hierarchical structures. That is why we prefer social control to
state punishment, whenever possible. That is why we want a classless society, as well as women’s emancipation. That is why we need political mobilization around a political program. This is why women need the Muvman Liberasyon Fam.

MLF; 23 January, 2018

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* Also worth a long, chatty read: http://www.internationalviewpoint.org/spip.php?article5326

End-notes -- Selected from mainly mainstream sources as an introductory article
4 https://en.wikipedia.org/wiki/2017_United_States_political_sexual_scandals
8 http://www.lalitmauritius.org/modules/documents/files/LalitMauritius-9766527f2b5d3e95d4a733fcb77bd7e.pdf
11 https://www.thenational.ae/world/europe/tariq-ramadan-s-victims-could-be-in-their-hundreds-new-expos%C3%A9-
13 https://www.thenational.ae/world/europe/tariq-ramadan-s-victims-could-be-in-their-hundreds-new-expos%C3%A9-
14 https://en.wikipedia.org/wiki/2017_United_States_political_sexual_scandals
15 http://time.com/3919026/strauss-kahn-acquitted-lost/
18 https://www.scribd.com/document/368996422/Nous-defendons-une-liberte-d-importuner-indispensable-a-la-libert-
19 https://www.npr.org/sections/thetwo-way/2018/01/15/578154065
20 http://www.elysee.fr/declarations/article/discours-du-president-de-la-republique-a-l-occasion-de-la-journee-internationale-
21 http://www.independent.co.uk/news/world/europe/fran-ois-mitterrand-former-french-presidents-other-woman-finally-

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MLF ADOPTS THIS LALIT ANALYSIS

By-Election & Sexual Predators in Parties: Beginning of End of Impunity?

The PMSD, the party that is “Leader of the Opposition” at the moment, came only fifth amongst opposition parties in the recent by-election in Belle Rose – Quatre Bornes. Many reasons are cited by commentators and politicians for this disaster. The most cogent so far is that no-one actually knows the electoral clout of a stand-alone PMSD because it has, since 1976, never actually stood alone in an election, as far as we can recollect. But there is one contributing reason people have not mentioned so far for this debacle.

**Violent verbal sexual abuse**

During the PMSD campaign, which got off to a reasonable start, its Secretary General, Mamade Khodabaccus came out with his now-notorious, violent, sexist speech against the Speaker, Maya Hanoomanjee, threatening her with rape and sodomy, and thinking himself hilarious. He was kicked out as Secretary General pretty fast by the PMSD (to the credit of this mainstream right-wing party, it must be said), but the damage was already done to the PMSD.
End of impunity?

This lesson that history has meted out to the PMSD is a sign to all of us to take note of what has been a sudden-seeming great leap forward in the struggle against patriarchy. In LALIT, we say “sudden-seeming” because the struggle has been long, very long. But over the past few years, there were some small bounds ahead manifested in public, and then over the past six months, world-wide, there has been a huge surge against male predators, and violent sexism. And so, patriarchal verbal violence is just no longer permissible. Within the past year, in Mauritius, the mainstream political parties and the Press have gradually begun to denounce predators and those men who use violent sexist language alike, instead of keeping to the past archaic macho traditions of cover-ups, press pardons for alpha males, turning blind eyes, and pretending-nothing-has-happened. Not too long ago, it was just Muvman Liberasyon Fam and Lalit that consistently denounced all these forms of violent patriarchy on principle. They are forms so “usual” that they are just part of daily drudgery for women (and non-alpha-males) to grin and bear, just like domestic violence used to be.

Rutnah and Bhadain and Tarolah and Bizlall

It was not just M. Khodabaccus who paid a price in 2017 by losing his office in the PMSD.

MP Ravi Rutnah has been thoroughly ticked off for calling a woman journalist a “bitch” (femel lisyin), and has presented apologies and suggested “proportionality” as a line of defense, not permissible in our view, saying he believed she had referred to him in French as “barking/howling”, implying he was a dog.

Ex-Minister of Good Governance, Roshi Bhadain has been pulled up by the Press for two things that used to be bread-and-butter sexist insults of the everyday kind: he referred to Tania
Diolle, a woman candidate in the by-election standing against him, as being put there to compete in a “beauty contest”, and he referred to the Opposition Leader posing a Parliamentary question “like a maiden”.

Parliamentary Private Secretary Tarolah had to resign and become a back-bencher for sharing “sexto” messages with a young woman seeking employment. His party should call on him to resign from the National Assembly, in our view, or expel him.

Jack Bizlall, by contrast, has not been brought to book for his outrageous sexist tirades against women. They exist in writing in an A3 leaflet, duly signed by him. It is important that people know of his violent verbal sexual abuse because he persists in calling for “left unity” around his own person. He says he is seen “d’incarner un pouvoir alternatif”, no less. He is now being pumped up because of his 11% vote in the by-election. Let’s get some realistic perspective. This was not a surprise. Did journalists not listen to him going on-and-on, as voting day approached, congratulating, thanking and flattering MSM Ministers over the radio? The reason for this flattery? The MSM, the main Government party, did not field its own candidate, therefore the trade unionist wooed its electorate. Abject praise and obsequious remerciements in the context of trade union struggles is totally unnecessary. Unless we see the reality that Bizlall was sending signals. Many MSM electors would abstain. But not all. He would have been amongst those to get the votes – after all that signalling. In the past, we have seen his campaign manager, Dev Ramano, pull this same trick in similar circumstances. With equal, if not more, success. In the very same geographical area.

What is important is that this trade unionist projects himself as the centre-piece of a big “left alliance” around his person. This is dangerous for all on the left. He insults not just LALIT, but
his direct adversary, Kugan Parapen, the Rezistans candidate. And when Kugan pulls him up, soberly, on the Habib Mosaheb program, he flies into a rage. Kugan Parapen rightly sees it as a problem to then hear him offering an alliance!

It is dangerous if we do not recognize Jack Bizlall’s violence. It will, in the long run, weaken and destroy organisations he is in. It may partly explain why all his organisations collapse, one after the other: Fron Militan Travayer, Parti Militan Travayer, Platform pour Un Nouveau Constitution, Mouvement Large, Entente pour la Democratie Parlementaire, Muvman Premye Me (which collapses and revives on command).

Problems around hiding alpha male sexual abuse certainly is a contributing factor to the drastic weakening of other parties world-wide, and even in the collapse of some.

Effect on Parties
Patriarchy has often gone unrecognized by political parties. When attention is drawn to it by its victims, impunity used to be the rule – the party ignores it, even the Press and other media ignore it! It is classified as “private life”, or “men will be men” or provokes fear, even in some cases, terror.

DSK hastens Ruin of Parti Socialiste
Take the case of Dominique Strauss-Khan in the collapsed French Parti Socialiste.

DSK’s history, and hidden-in-full-view notoriety, as sexual predator hastened the destruction that has hit the Party.

To give an idea of his impunity: In 2009, a comedian radio commentator Stéphane Guillon joked about a “DSK Alarm” in the radio’s building because DSK was coming for an interview: women were warned (“tous aux abri”) to keep out of harm’s way, stay clear of dimly lit corridors, all lifts and stairways and so on. What happened? DSK was left unscathed, continued a
few more years of abuse with impunity. The radio journalist was fired.

The Parti Socialiste has gone from largest party with always around 300 seats to a 30 seats now, out of the 577. The importance of DSK in this fall is still not fully recognized.

Why? It was so deeply ingrained. When, for example, he violently accosted a young woman journalist whose mother advised against taking the matter further, it turned out, when the mother bravely confessed, that she had suffered the same fate from the same man. They were both Parti Socialiste MPs 25 years earlier. The rot was inside the Party. When the mother had decided, herself, to “not take the matter further”, she was exposing her own daughter as victim of the very same abuser a generation later. That is how ingrained patriarchy is.

But it was not only DSK in the Parti Socialiste’s recent history.

Mitterand’s impunity

Before him, there was Francois Mitterand. He abused women in another way. He had a secret mistress and daughter hidden away, condemned to the half-lives of slaves living in half-lit places. In fact, they lived in a Palace, paid for by French tax-payers. But never mentioned by the Press. He also had a Swedish mistress and son. Also living a life without full rights to public life. All this predatory behavior was shrouded in the hypocrisy of the holy principle of “private life”. Just as beating one’s wife was. How the destruction of the political party takes place is that, once the sexual abuse is exposed, it is impossible for grassroots Socialist Party members to justify to their grassroots adversaries the behavior of either DSK or Mitterand. So, they deny as long as they can, and then, if given proof, they excuse the behavior, thus corrupting themselves in turn. So, the lack of principles in the party weakens both individual members and also the party.
DSK finally lost his impunity

The good news is that DSK finally had to face up to his violent abuse of women: he was kicked out of the Parti Socialiste, sacked from his job as Head of the IMF, and divorced by his wife. Change in society had already begun. It was a signal of the beginning of the end of impunity for male violence, even in France where it is notoriously tolerated under the mask of libertinism. DSK was charged in Court for rape in the USA, and for running a high class brothel in France. Being found guilty or not, is another matter. Society has declared behavior of his that used to be pardoned as “unpardonable” and “unpardoned”, without a lot of soul-searching. That is the change that is the beginning of victory for women, and most men, against Patriarchy.

Clinton and the Downward Fall of the Democratic Party

President of the United States of America Bill Clinton, then just short of 50 years old, took in a “stagiaire” in 1995. She was 22 years old. He abused her sexually. The power differential was grotesquely weighted against the young woman, Monica Lewinsky. For months Clinton lied, claiming “I did not have sex with that woman” (sic). Then, when there was DNA evidence of his sperm on her dress, he came out with a new meaning of “having sex” which excluded fellatio.

For the record the Muvman Liberasyon Fam in Mauritius called on women’s organizations in the USA to get Clinton to resign. First, they replied there was no proof, and if ever there was, they would. When there was proof, they opposed calls for his resignation, even opposed his impeachment – on the feeble grounds that he had appointed women to positions of power, or that the Republicans were running a vendetta. This is the tipping-point where part of the women’s movement sells right out: accepting bribes to move up the patriarchal hierarchies,
even as society advances via the disgrace of public impeachment of Bill Clinton.

And this is where not having a principled stand harms a party. How do Democratic Party members, at the grass-roots level manage to justify Bill Clinton’s abuse of a trainee woman, half his age? It is just not possible, without the grassroots activists, in turn, making themselves untrustworthy. They are prepared for political expediency to expose more young women to this treatment.

Now, when Clinton’s wife Hilary stands for President years later against the sexual predator Donald Trump, what exactly is her high moral ground against this out-and-out predator, accused by about 12 credible witnesses? How can democrats and even sections of the women’s movement oppose Trump now on principled grounds, when they did not call for Clinton to step down then? The answer is they can’t. Not with credibility, anyway. And Trump wins. He won. He is now President of the USA. To show how abject all these Democrats and feminists were, all that would have happened, at the time had Clinton resigned, was Al Gore would have stepped in as President. And then probably George W. Bush would have lost the next election to Al Gore. So, the Democratic Party, instead of being strengthened by this abject lack of principled stands, was weakened by allowing Clinton the impunity granted in feudal society to alpha males to abuse young women.

**Before Clinton, JFK**

John Kennedy, years before, another Democratic President abused “scores of women” – to quote the phrase used in an article in *The Independent* (25 May 1994). He was “pardoned” even when this was a security risk. “One of Kennedy’s girl-friends, Judith Exner, was used to pass classified CIA plans
for the assassination of Fidel Castro to Chicago mafia boss Sam Giancana,” The Independent says, “while another [was] promised that cocaine was readily available …” The key to his impunity for continual abuse of women, including women journalists, was the Press. He was friends with journalists. Like DSK. And so his abuse of women was considered “la vie privée”. Like for Mitterand’s case. Even Clinton’s abuse 30 years later could almost be “gotten away with”. But it leaves debilitating weakness for the complicit political party.

The election of a Donald Trump is partly, thus, down to the inability of the Democrats or even for many feminists to take principled stands earlier. The Democratic Party has gone into a serious decline. The man who nearly won the Democratic Primary against Hilary Clinton, Bernie Sanders, was not even a member.

Women’s Rebellion post Weinstein

The massive rebellion of women in the #MeToo movement, started by Tarana Burke in 2007 and that has gone viral in 2017 with the exposure of the Weinstein abuse of over 80 women at his Miramax and the Disney World Studios in Hollywood. With this massive mobilization, Weinstein has lost his job, been kicked out of various important institutions, has left the USA, has promised to follow treatment, and has been kicked out by his wife to boot. His impunity came to a crushing end.

In Media, Congress, Hollywood

In the past year, literally dozens of men – in politics, the media – two at Fox News – in the US Congress and Senate, in State Legislatures – have been taken to task, have had to resign, have been disgraced.
In UK, Australia

In the UK, the Minister of Defense has had to resign. Today the Vice Prime Minister had to resign. The BBC’s Jimmy Saville had his awards taken away after his death, so thoroughly disgraced was he.

The Australian Royal Commission of Enquiry into Institutional Responses to Child Sexual Abuse has in December 2017 given its Report, estimating that sexual abuse has been covered up institutionally for years, and estimating that 60,000 people will need to receive compensation from the institutions concerned. The Catholic church is the most deeply exposed. The Report estimates that one in ten of its Priests was concerned by allegations of abusing children; a previous report in the USA estimated one in 13 Priests in the USA. And that is just at the pedophilia level. Sexual abuse of other people in positions of less power would probably more than double the estimated figure. So, the scale of the problem is huge.

And in politics, as if following an internal logic, the covered-up problem destroys the organization concerned, if the man is not exposed as a predator and suspended immediately.

Two Far Left Parties in UK Dessimated by Leader’s Sex Abuse

Look at two left wing parties in the UK utterly destroyed.

The Scottish Socialist Party had 6 MPs. Then Tommy Sheridan was involved in a sex-scandal, which brought the party to total ruin by 2004 – partly because of all Tommy Sheridan’s lies and subterfuge. Before him, there was the terrible case of Gerry Healy of the Workers’ Revolutionary Party, previously a feisty workerist party called the SLL, an anti-Stalinist League. When he was finally expelled after the party had turned a blind eye to 20 years of his sexual abuse of some 26 women members and staff, the party just imploded into fragments from 1985 onwards.
So, organizations need to be warned: from a huge mass left party like the Parti Socialiste of France with its millions of members to the small left party the WRP in the UK, all get severely weakened if not annihilated by tolerating sex abuse and sexual violence by alpha males in the party. So, the stakes are high.

**What is special about the Weinstein exposure?**

What is important about the women clubbing together to denounce Weinstein is that there are a number of new factors involved, that give hope that this time around there are some gains that will not be easy to reverse:

a) Women are no longer criticized for not exposing their predator earlier. To do so is now considered what it is: blaming the victim once again. From before Weinstein, women are no longer blamed for their aggressor’s behavior by the man pretending he was aggressed by the woman: her clothing tempted him, it was her that wanted promotion, she was critical of him. Whatever. It is no longer acceptable.

b) Weinstein’s web of male protectors who justified his behavior, and warded off exposure, has all, itself, been exposed. Men actors have had to scramble to claim they never knew anything about Weinstein’s dark side: Ben Affleck, Matt Damon, George Clooney, are all denying furiously that they “knew”. Woman actors have also had to deny any knowledge of his sexual abuse of other women. So this is a total change in the balance of forces between perpetrators and victims.

c) Weinstein’s web of professional defense mechanisms, and its degree of sophistication has also been exposed. (See the two *New Yorker* articles by Ronan Farrow.) Weinstein hired lawyers, and even hired a private detective firm called Black Cube that was founded by a former Director of Mossad (i.e. the notorious
secret service of Israel). This firm employed ex-Mossad women agents to infiltrate amongst women who had been abused by Weinstein, and to infiltrate amongst women journalists on to the Weinstein sexual abuse story. The New York Times sacked its firm of lawyers (David Boies) for its involvement in this scheme of Weinstein’s to block “negative articles” in their newspaper. Who does this covering up here in Mauritius? And how?

And for the first time, we have been able to hear about the terrible non-disclosure contracts that are reminiscent of slavery, leaving people in other forms of half-lit lives. Women have been forced to sign these contracts because there is no other redress. Women who sign them are not, according to the contracts, allowed a copy of the contract. It would be a smoking gun one witness, Weinstein’s Secretary in London at Miramax, Zelda Perkins, said on the BBC on 20 December, 2017. She managed to get included in her non-disclosure contract that Weinstein would have to undergo therapy, that Miramax would have to institute a sexual harassment procedure, and so on.

d) It is not just women who suffer these sexual predator’s rages, when the man is thwarted. Men also suffered Weinstein’s rage, it has become clear. Indeed alpha males dominate all women and, yes, most men. Actor Robert Lindsay says he was black listed and years later actually removed, two days after having been casted for Shakespeare in Love because he had criticized Weinstein’s way of working. It made Weinstein fly into a rage.

Conclusion

We know that it takes a great deal of persistence to expose predatory males. Dozens of women have worked on two Continents, on their own and in small groups, doing their level best, for example, to expose the predatory nature of the Weinstein. But, going at it has finally won. The truth is finally “out there”.
In the fine Danish film, *The Celebration (Festen)* by Thomas Vinterberg, the son who has been abused by his father and whose sister suffered the same abuse and committed suicide just before the dinner party that makes up the film, denounces his father in a formal speech. We are shown, in the film, how resistant people are to accepting the truth about one of these patriarchs. Even if you announce it in a speech at a party, the people present just go on eating and drinking the next course. They do not want to know. They close their ears. They are afraid. Everyone colludes with the patriarch. The associates, the friends, the police, the freemasonry, his wife. It is, in the end, the lower classes (servers, cooks and housekeepers) who give the son the endurance to once again stand up, an umpteenth time, and announce what he and his sister suffered. He finally gets everyone to listen, and to decide how to act, so as to do something about it.

So, we are in times when things are indeed *a-changing*. Roy Moore, the Republican Candidate for the Senate in Alabama, despite support from President Trump and from his ideologue Steve Bannon, lost to a Democrat (unimaginable in Alabama). This was for the simple reason that he was exposed by a series of credible woman witnesses as a predator on young girls. However long ago. However much he tried to deny it.

*LALIT article, published with permission*

21 December, 2017

*Published originally on LALIT website www.lalitmauritius.org*
MLF exprim nu solidarite avek tu fam ki finn vinn delavan pandan enn long prose o-kriminal pu temwayne kont enn predater sexyle, Michel de Ravel de l’Argentière. Kuraz sa bann fam la finn permet ki sosyete kondann predater la, e ki sosyete rekonet sufrans so bann viktim. Ena parmi viktim ki ti mwins ki 12 an alepok ki zot sufer sa agresyon sexyle – seki pli zenn ti ena zis 4 an. Apre 7 an dan Lakur, Mazistra finn truv sa misye la kupab lor 21 sarz.


Mazistra finn desid pu pa donn M. de Ravel enn santans prizon. Li finn donn li trwa kosyon pu sa 21 ofans la. Mazistra finn sit kuma so rezon pu pa donn li prizon ferm enn seri zafer, inklir so maladi grav, kanser servo, ki so dokter finn temwayne. Buku dan lapres finn met lanfaz lor “santans la pa ase for”. E, DPP finn fer apel kont santans la.
Dan MLF, nu truv pli gran linportans enn ka kuma sann la la, se lefet ki tu sa madam la finn ena kuraz amenn ka la an-piblik. Dezyem pli inportan, se Lakur finn truv predater la kupab. Tusala vedir ki anfet sosyete pe kondann zom predater. Nu pa truve ki prizon enn fason fer vanzans. Ni dan sa ka la, ni dan okenn ka.


Me, seki pli inportan pu sosyete, se ki, dan ka agresyon sexyel, ena enn ka an-bon-e-di form. E, kot ena prev sifizan, ena enn zizman “kupab”.


Lezot mazistra ek bann ziz bizin humans donn mwins prizon, sirtu dan bann ka ki pa inplik vyolans.

30 Avril, 2019
Extre Kominike MLF pibliye lor websayt LALIT le 30 Avril, 2019.
MLF calls for Sir Victor Glover Resignation over Rape Remarks

At its meeting held last week, the MLF “decided to call for the resignation of former Chief Justice Sir Victor Glover from the Committee on the Prerogative of Mercy over which he presides. He has disgraced the office by, after granting mercy to a man sentenced for rape of a minor aged 15 years, then, when quite understandably criticized by the father of the girl, justifying his decision by saying, that “La question à poser est de savoir si la personne était consentante.”’ The courts have already found, with all the difficulties involved, that she was raped, i.e. did not give consent. So, what on earth is Sir Victor Glover referring to? He goes on, “Dans 95 % des cas, après l’acte, la victime se demande ce qu’elle a fait. Qu’est-ce que les gens vont dire? Elle va alors voir la police pour dire qu’elle a été violée, alors que strictement parlant, elle n’a pas été violée. Dans des cas de mineurs, parfois, c’est lorsque les parents apprennent la relation qu’ils se rendent à la police.” (L’Express, 27 October, 2018). These approximations and second-guesses are no more than signs of extreme misogyny. He must resign.

It is bad enough when, in the patriarchal society we live in, ignorant misogynists attribute prior consent to all victims of rape, but now to see an ex-Judge introduce the issue of “consent” in a case of a convicted rapist is really the bottom. And talking about a “relation” when there clearly was not one. To put Victor Glover’s remarks in an even worse light, the victim’s
father has published a hand-written letter from the rapist to him, in which he confesses to rape (\textit{“viol”}). (\textit{L’Express} 6 Nov 2018). And then after conviction and after a confession in his own hand-writing, Glover talks of the victim having given him consent? Mr. Glover must resign. The office of President of the Committee on the Prerogative of Mercy is too important, and needs to maintain its integrity.

It would also be useful if the President of this important institution did not just shift the blame on to the Police and Prison authorities for \textit{“ne nous ont pas fourni les documents appropriés”} without specifying what exactly he means was missing. And what difference would that have made? And, did the Commission \textit{ask for} more details?

Those who called for the pardon, i.e. Cardinal Piat, Lindley Couronne of Dis-Moi and the Adventist Diocese could also explain on what basis they decided to support this particular appeal for pardon.

We support the victim who so bravely identified the man and testified. Now she would be right in feeling defamed.

We call on all women and sensible men to raise their voices.

\textit{Rajni Lallah, Secretary, Muvman Liberasyon Fam}


\textit{Published on LALIT website 21 November, 2018}

\footnote{* Crime, Justice and Security Statistics, 2016 (Police, Prosecutions, Judiciary, Prisons and Probation)
http://statsmauritius.govmu.org/English/Publications/Documents/El1326/CJS Stats_Yr2016.pdf}
There was a meeting held in Curepipe on Friday 27 April to plan support for Mauritian javelin thrower Jessika Rosun, who reported a case of sex abuse to the Australian police during the Commonwealth Games. The chef de mission, Kaysee Teeroovengadum, has since been forced to resign.

Rajni Lallah was invited by the sportsmen and sportswomen organizing the support network for the athlete because the Muslim Liberation Family that she is a leading member of had called for the removal from office of the President of the Mauritian National Olympic Committee, Philippe Hao Thyn Voon, for his outrageously sexist remarks about the case.

At the meeting were 15 representatives from different sports. As well as support for Jessika Rosun, they deplore the generalized lack of power of the sports men and women relative to the bureaucracies that run competitive sports. Various tactics were discussed from a press conference to boycotting competitions if there is no change.

Article about MLF action from LALIT’s website www.lalitmauritius.org
5 May, 2018
Republished by MLF with LALIT permission
L’Express Boss  Nad Sivaramen Steps Down, Steps Up Again?

It is hard to follow the logic of the La Sentinelle bosses. (La Sentinelle is the private company that owns the L’Express newspaper and many other publications.)

On 3 April, La Sentinelle published a communiqué announcing that “la gravité des faits imputés à notre directeur des publications, M. Nad Sivaramen, dans un affidavit le concernant, lui a suggéré de se mettre en congé avec effet immédiat.”

So, he stepped down “temporarily”.

The contents of the affidavit were, meanwhile, published on the site of a private radio, so many people are aware of the facts laid out in it and of the seriousness of the allegations made in it, and of reference in it to a psychologist’s report. Another La Sentinelle editor Ms Touria Prayag refers to the allegations as being of “pedophilia”, and the directeur général M. Denis Ithier says it “s’agit d’une bataille légale entre deux parents,” meaning the allegations are also of incest. Grave indeed. The child was three at the time.

In an article of 3 April, L’Express also says, “Le directeur des publications de La Sentinelle Ltée, Nad Sivaramen, se trouve éclaboussé dans une affaire de mœurs portée contre lui par son ex-compagne. Dans un affidavit juré le 2 avril, Audrey Harelle réclame également la garde immédiate de leur enfant.
Une injonction en ce sens a été émise par un juge en chambre le jour même.” Audrey Harelle is Chef d’Edition at L’Express, thus was working under M. Sivaramen, as well as being his ex-partner, and mother of his child.

Audrey Harelle is still working at L’Express in her job.

To everyone’s shock, without any new information becoming public, La Sentinelle published a new communiqué on 30 April, less than a month later, announcing without any further details: “Sur la base de développements divers [sic] depuis le 2 avril, la direction a demandé à Nad Sivaramen, qui s’était mis volontairement en congé suite aux allégations formulées contre sa personne, de suspendre sa mise en congé et de reprendre le travail à partir de ce lundi 30 avril. Toutefois, Nad Sivaramen a exprimé le souhait que la direction des publications reste entre les mains du Chairman, Philippe Forget, en attendant que le procès (main case) prenne fin et, d’un commun accord, il a été convenu que Nad Sivaramen agisse, entre-temps, comme consultant auprès du Chairman et comme conseiller auprès des autres rédacteurs en chef du groupe La Sentinelle.” [Bold in original]

There is no reason given for the reversal of Nad Sivaramen’s suspension from work. The wording itself is bizarre: the directors of La Sentinelle calling for him to “suspendre sa mise en congé”. So, Audrey Harelle’s ex-partner is back at work. To all intents and purposes, he is her boss again. And meanwhile, la gravité des faits imputés, remains, as far as anyone knows, unchanged and this was the reason for him stepping down. And all we have to go by for a change in this stepping down are unspecified “développements divers depuis le 2 avril”. Ms Harelle is still at work, even when M. Sivaramen has been re-instated.

This volte-face on the part of the L’Express bosses seems inexplicable. Or was the “stepping down” just play-acting from
the beginning? A charade? What are we to understand? Are the
La Sentinelle bosses now implying that they now know (before
investigation, let alone a case in Court and a verdict) that Ms
Harelle lied? That the psychologist was unprofessional? Or
what? If these bosses were not in the business of free expression,
and the right to information, it would be perhaps less perplexing.
But how can they act with such disdain for the public? Let alone
for their senior employee, Ms Harelle? Even undermining the
other two senior staff who stuck their necks out defending the
company and its directeur des publications so valiantly for being
honourable, like Ms. Touria Prayag and M. Chenney?

Poor Ms Prayag was left high and dry. She said on 6 April
in L’Express, “Nad has had the decency to immediately step
aside to allow for transparency,” unlike, she added in a petty
vein – given the gravity of the allegations – politicians X, Y
and Z. Well the “transparency” did not last a month. Opacity
returned with indecent haste. “Nad” has stepped back up again.
And we do not know why.

M. Chenney was also left high and dry after his article the next
day, in which he said he could not judge M. Sivaramen, facing
“l’allégation d’avoir commis le crime que l’humanité considère
comme le plus ignominieux” because “je n’ai pas le mandat
pour enquêter, je ne sais pas, je reste neutre.”

Clearly someone higher than Ms. Prayag and also higher
than M. Chenney at La Sentinelle is not neutral and has got a
mandate, or thinks he has, to conduct an enquiry and to call for
M. Sivaramen, who had stepped down, to step back up again.

So, the Courts will decide on whether the father can have
access to the young child, the DPP will decide if there is evi-
dence enough to lay charges, and if he does there will be a case.
And the judiciary will then decide on the basis of evidence.
Meanwhile, La Sentinelle calls M. Sivaramen back to work.
The man must have some power. Readers of Lalit’s site may recall that he used to work for the Pentagon, the USA’s military. And given that Mauritius is under US-UK military occupation, this is of particular significance. In fact, it is unacceptable for the Press to have a senior staff member who is indebted to an occupying power. See the excellent article that was submitted to Lalit’s website when every single newspaper in the country refused to publish it. Lalit announced that it had checked the facts, found them sound, and published.


And the Lalit team that analyzed the Wikileaks Cables pertaining to Mauritius showed the US Embassy here quoting Nad Sivaramen from before he worked at the Pentagon.


Meanwhile, after 7 years back at L’Express he has had to step down in the midst of serious allegations. And then he has miraculously stepped up again. La Sentinelle bosses have all remained unaware that mainstream ethics are advancing on this issue worldwide – in particular since the Weinstein case highlighted the patterns of cover-up of sex abuse of all kinds by powerful predatory males. The La Sentinelle bosses think one amongst them can step down for a few weeks, then go back to work without a word of explanation as to the change in circumstances. “Développement divers” indeed.

Article by MLF sent for publication on 17th May, 2018

Denouement: L’Express announced on 12 Dec 2018 that the DPP was not advising prosecution against Nad Sivaramen. The article also states that L’Express had him re-instated (i.e. he “a retrouvé son poste”) the preceding month (Nov 2018) due to civil charges against him being withdrawn.
CHAPTER FOUR

Common Declaration by 50 Women

The Muvman Liberasyon Fam supports the women who are speaking out about sex predators. The circumstances in both cases are extremely difficult for the women.

In one case, the woman concerned Jessica Rosun is away from home at the Gold Coast Commonwealth Games, and has had to give a statement to the police for indecent assault by the chef de mission of the Mauritian delegation, Kaysee Teeroovengadum. The “power differential” between a chef de mission and an athlete is immense. What this means that struggles against sexual assault and sexual harassment in Mauritius coupled with the #metoo movement world-wide has given athletes the chance to speak out, instead of just feeling humiliated.

The other case is tragic. A woman has sworn an affidavit about her ex-partner, who is also her ex-boss, so that he can no longer have access to their child. The bosses at the newspaper where the man, Nad Sivaramen, was Chef des publications, have suspended him since the charges against him are so serious. It is not yet clear at what stage charges will actually be laid against him. The Child Development Unit has taken up its statutory role in the case. In this case, too, the woman who has spoken out through an affidavit is taking on someone who has three kinds of power over her: he is her ex-partner, he is father of her child,
and he is her ex-boss.

Recently, on this very subject of the importance of speaking out against predatory men, the *Muvman Liberasyon Fam* circulated a Declaration signed by 50 women, for International Women’s Day the year of 50 years Independence. The 50 women are leaders of the women’s movement at the grassroots as well as nationally, and women who have, in their own sectors, contributed to women’s emancipation.

Here is the content of the Declaration, and its signatories:

**Common Declaration**

I, the undersigned, stand with women all over the world who are raising their voices against predatory men, men who use their positions of “relative power” on the worksite – or in other institutions – so as to abuse women. Times are changing. Organizations with a modicum of democracy – including political parties, unions and professional associations – are beginning, everywhere in the world, to hold men accountable, or to revoke them or expel them for abusing women. We, women, worldwide are beginning to raise our voices against sexual and sexist abuse. I for one will no longer collude with this. Thus, I add my signature, me too.

Aisha Doba  
Allia Syed Hossen-Gooljar  
Ambal Jeanne  
Ananda Devi  
Anjani Murdan  
Anne-Lise Mestry  
Anne-Marie Joly  
Anooradah Pooran  
Anushka Virahsawmy  
Aurore Perraud  
Begum Badullah  
Daniella Bastien  
Danielle Turner  
Djemillah Mourade  
Francoise Labelle
Francoise Lamusse
Gaëlle Tossé
Husna Ramjanally
Julia Maigrot
Kisna Kistnasamy
Kumari Issur
Laure Soobrayen
Lindsey Collen
Linzi Bacbotte
Manda Boolell
Marie Claire Bibi Diop
Marie-France Favory
Marie-Noelle Elissac-Foy
Marlène Urcile Ladine
Marousia Bouvery
Mary Jane Gaspard
Maya Hanoomanjee
Mélanie Vigier de Latour-Bérénger
Merline Francois
Micheline Virahsawmy
Mohni Bali
Monique Descombes
Munavvar Namdarkhan
Myriam Narainsamy
Patricia Day-Hookoomsing
Pramila Patten
Pushpa Lallah
Rajni Lallah
Ranjita Bunwaree
Sadna Jumnoodoo
Sandra O’Reilly
Sarah-Jane Vingta
Sheela Baguant
Sheila Bappoo
Sheila Bunwaree
Veronique Topize
Vidula Nababsing

Circulated by the MLF 27 February 2018
Ten Women’s Organizations Announce Hospital as First Stop for Rape Victims

Ten women’s and trade union organizations held a joint press conference at the offices of the Government Teachers’ union to announce that Hospitals, and not police stations, are now the very first port of call after rape or other cases of sexual aggression. That this announcement is being made by women’s organizations and unions is bizarre: it is the State’s responsibility to inform people of this important victory for the women’s struggle. But this has not happened.

The story behind this Press Conference is a long and interesting one! In fact, this victory – having Sexual Assault Units set up in hospitals, in a way that they come to life at the Records Section as someone takes out a card at Casualty at any of the main 6 hospitals after such an aggression – was hard won in 2006, 11 years ago. This was when Mrs Indira Seeburn was Minister of Women’s Rights.

But “society” has continued either to usher victims of sexual aggression into a police station or to hush up the entire aggression. Patriarchy gave you only these two choices: you go to a police station or you cover up the aggression.

After many years of militating for this, Rape Crisis Units were in fact set up for the first time in 2002 by Minister Arianne Navarre in two hospitals. But they were never known about,
and that was why the women’s movement pushed for a written “Protocol” between the Health and Women’s Ministries and the Police Commissioner, a demand which we “won” in 2006 (See below).

But victories, especially in downturns, can be pyrrhic. And the victories won in both 2002 and 2006, were indeed both pyrrhic.

“We would still,” Lindsey Collen, told the Press and MBC TV, “hear of a 15-year-old girl, having been raped at Grande Rivière bridge, going to Line Barracks, being told that the police concerned were in fact the Pailles Police Station; when she went to Pailles Police Station, she was re-directed to Coromandel police station because the rape took place on the other side of the River; when she got to Coromandel, she was sent to the Pointe aux Sables Police Station, because the rape took place on the other side of the Bridge. And no-one was in the “wrong” in any of this. The young girl spent over 18 hours, without medical or other care.” She and her family did not know they could, and should, go direct to the Jeetoo hospital for immediate treatment. Later, in such a case, if it is the young girl’s wish, a woman police officer can come to the hospital setting and there take her statement, and the police doctor can come and examine her in the hospital rather than drag her to Line Barracks to be examined in a “police” context. But the young girl did not know of the existence of Sexual Assault Units.

So finally, 10 Associations decided to get together and take an action to force the State to make known the existence of its Sexual Assault Units. They are: Muvman Liberasyon Fam, Government Services Employees Association, Konfederasyon Travayer Sekter Prive, Gender Empowerment Association, Association des Femmes Mauriciennes, Government Teachers union, Comité Sport Feminine Rodrigues, Mauritius Alliance of Women, Women International Association, Gender Links.
The Nursing Association is one of the driving forces behind this move, and it will be debating the issue when its leadership returns from a nurses’ conference in Barcelona. Other organizations considering being part of the collective are UPSEE and SPSTU and SOS Femmes. The 10 organizations already in the collective have written a joint letter to –

Minister of Gender Equality Fazila Jeewa-Daureeawoo
Minister of Health Anwar Husnoo.
Minister of Education Leela-Devi Dookun, who can popularize the protocol in schools
Police Commissioner Mario Nobin.

The philosophy behind this demand for Hospital Sexual Assault Units to be the first port of call for rape victims, is a clear one, both Lindsey Collen and Rajni Lallah argued.

While everyone in the world says they are against rape and sexual aggression, not everyone has the same demands. There is one political current that calls for more punishment, even 30 or 60 years’ imprisonment, or worse still the return of the death penalty for particularly heinous rapes. The 10 organizations who have signed up are not pleading for more punishment to be meted out to rapists. We believe that this demand for more punishment has unintended consequences, often dangerous ones. For a start, once a rape or sexual aggression has been committed, and we know these are extremely common, if the punishment is, say, the death penalty or life in prison, there is a high probability that the rapist will murder his victim, her often being the only witness. In addition, it is a patriarchal way of attempting to resolve a problem of patriarchy, Rajni Lallah explained.

We call for this change in first port of call because it immediately points a finger at the aggressor by society, collectively, through the free health service, taking care of the victim. By
encouraging victims – young girls, young and old women, and sometimes boys and men – to go straight to the nearest hospital, we are showing that they have been wronged. We are showing that it is not them that are under accusation. They will be cared for for any physical harm suffered, be treated against unwanted pregnancy resulting from the rape, be treated preventively for any contagious diseases, and also be signed up for psychological support. And, even before that, on the way to the hospital, the victim will be able to talk about the trial she has been through more easily knowing she will be cared for, than if she is on the way to the police station for a grilling.

Ranjita Bunwaree of the Gender Empowerment Association said how rape is a particularly hideous crime. She said how it spares no woman: from the very old to the very young. Often, when some man or men are robbing a house, instead of just setting off with the jewels, they, as if in passing, rape an old lady in the house. The particular nature of rape thus makes it particularly traumatizing for its victims. Hence our plea for the Authorities to launch a vast campaign – through all the media outlets in the country – to make it known that a rape victim can simply go to any one of six hospitals.

Present for the Government Services Employees union, Loga Naidoo, said that the Records Clerks in their union are the ones that begin the process.

The hospitals concerned are:

- Jeetoo in Port Louis
- Candos in Quatre Bornes
- SSR Hospital in Pamplemousses
- Flacq Hospital
- Jawarhalal Nehru in Rosebelle
- Queen Elizabeth in Rodrigues.

As Rajni Lallah put it in the Press Conference, the idea that you can separate society into a small group of “rapists” and
“sexual aggressors” and the rest shows a lack of understanding of the problem of patriarchy. Most rapes and sexual aggression take place in the immediate vicinity of the victim, often within the sacrosanct “family”. So rapists are all over the place, and cannot just be locked up. We women want to have the wherewithall to defend ourselves. We want this through our own emancipation.

In the Next Chapter, there are copies of both the Open letter to the 3 Ministers and Police Commissioner and the Protocol itself, which is today already in place. So, as from today, please could any reader inform anyone in their environment that in the unfortunate case of a sexual assault, go to one of the 6 main hospitals, not the police station.

*Article on LALIT’s website on 14 June, 2017*  
*Re-published by MLF with LALIT’s permission.*
CHAPTER FIVE

Struggle for Hospital Sexual Assault Units as First Port of Call

The MLF has had nearly two decades of struggle, first to get hospitals declared first port-of-call for sexual assault victims and, when this was won, to get this popularized. Until today in 2019, victims are going through the trials and tribulations of police stations.

Open Letter about Sexual Assault Units, 2017

To
2. Minister of Health and Quality of Life, Hon. Anwar Husnoo
3. Minister of Education, Hon Leela Devi Dookhun
4. Commissioner of Police, Mr. Mario Nobin.

Dear Madam, Dear Sirs,

Re: Appeal for massive “Information Campaign” to Popularize Knowledge of the existence in Hospitals of Sexual Assault Units

We, in the women’s movement, mindful of the suffering that victims of rape and other forms of sexual aggression suffer when, after their original ordeal, they then have to spend painful hours first at a Police Station giving a statement and then at the Line Barracks for medical examination, fought for and finally won Sexual Assault Units in 6 major hospitals in Mauritius
(including Rodrigues).

This was in 2006.

In fact, we had won such Units in 2002 – in Jeetoo and Candos – but they fell into disuse because the public was not aware of the existence of the Units, victims continuing to go through the calvary of Corps de Gardes and Forensic examinations under police conditions. So, we again put pressure on the Authorities and this time around, as you all already aware, won the 2006 written Protocol.

The Protocol clearly gives women the choice of going directly to the hospital and there, after being cared for, she is examined by the Police Medical Officer in a hospital setting, and then gives a statement to a Woman Police Officer who calls at the Hospital if and when the woman is ready to give a statement. The existence of this “fast track one-stop-at-the-hospital” changes the balance of social forces in favour of women victims: society is caring for us, not doubly punishing us. It means the victim is not the guilty one. She already begins to speak about what happened – to all those around her in the healing atmosphere of a hospital – and as everyone knows, this diminishes the trauma of rape.

Once again, we hear of women who have trailed from police station to police station. The same age-old pattern has not yet been interrupted, despite the will to put in place the Protocol.

So, what are we writing for? At a meeting of one of the signatories, Women’s International Association in April at Quatre Bornes, the idea was born of calling for something very specific and easy:

An information campaign on a huge scale:
- A series of announcements on TV and radio so that the whole of the public knows where to go in cases of sexual aggression (a campaign like the one on prevention of the spread of chikungun-
ya and malaria, for example) direct to one of the six hospitals.
- A series of ads in newspapers, announcing the Units and the Protocol.
- A joint press conference of the Gender and Health Ministers and the Police Commissioner to inform the public specifically of the right to go straight to a hospital for care.
- For staff in the Gender and Health Ministries to be trained on the Protocol, in particular the records clerks at the 6 hospitals who the Protocol puts in charge of detonating the “fast track”. For staff in Police Stations to be trained to offer women the choice to go direct to the hospital, and give a statement from the hospital.

Yours sincerely,
Confederation Travayer Sekter Prive – Jane Ragoo
Gender Empowerment Association – Ranjita Bunwaree
Ass. des Femmes Mauriciennes – Miriam Narainsamy
Government Teachers Union – Maria Pillay
Government Services Employees Association
Muvman Liberasyon Fam – Rajni Lallah
Comité Sport Féminine Rodrigues – Merline Francois
Mauritius Alliance of Women – Keerun Mathur
Gender Links – Anoushka Virahsawmy
Women International Association – Mrs Brijmohun

For the Women’s Front on Popularizing the Fast Track Protocol for rape victims to go direct to Hospital.

*February, 2017*
Protocol of Assistance to Victims of Sexual Assault

After MLF’s long battle, finally the Gender Ministry, the Health Ministry and the Police Commissioner came up with a “protocol” as we had requested. But it has been largely ignored, despite MLF having, amongst other things, sent the above Open Letter in 2000 copies to women’s organizations and other organizations.

Main Provisions
With the application of the Protocol (since March 2006), adult victims of sexual assault may call:

(Scenario 1) At the Police station found in the area where the offence has been committed; or
(Scenario 2) Directly at any of the Sexual Assault Units of the 5 regional hospitals (Dr. Jeetoo, SSRN, Flacq, J,Nehru & Victoria) [and Rodrigues Hospital]. ...

Scenario 2: When a victim of sexual assault goes directly to any of the 5 regional hospitals:
* The victims goes directly to the Casualty Department.
* The Medical Records Officer (Casualty) will immediately inform the Ward Manager or the Charge Nurse of the Casualty about the case so that arrangement will be made forthwith to receive the victim who is then seen, on a fast track, by the doctor for emergency treatment, if required;
* The Ward Manager/Charge Nurse will inform other medical
officers, Ward Manager, Charge Nurse of designated Wards for admission of victims (Gynecologist, Psychologist, Medical Social Worker) about the case so that they arrange to see the victim at the hospital;
* A specific place is being earmarked by the Ministry of health and Quality of Life in one Ward for female adults where the team mentioned above will see the victim as and when required. Arrangements will be made at the level of the hospital for victims to be treated in the presence of a close female relative
* The Ward Manager/Charge Nurse will inform the Police Post which in turn contacts the Police Station in the locality of the hospital and makes arrangements for a statement of the victim to be taken;
* A Woman Police Officer from the Police Station of the locality of the hospital will take the preliminary statement of the victim. Further statements would need to be taken, at a later stage, by officers of the Police Station of the region where the offence took place;
* The medical examination is undertaken and swabs are taken by the Police Medical Officer at the hospital;
* Appropriate treatment for HIV/AIDS should be given to the victim.
* The Police Post informs the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection of the case of sexual assault. Subject to their consent, adult victims will be provided with psychological assistance by the Psychologists of the Ministry of Women’s Rights, Child Development, family Welfare and Consumer Protection.
Scenario 1: When a victim of sexual assault reports the case to the Police Station in the locality where the offence has been committed:
* Victim gives a regular declaration regarding only the gist of
the offence. The full statement may be taken, at a later stage, at the hospital. Thereafter, the victim proceeds to the nearest regional hospital;
* The Police Station contacts the Police Medical Officer and makes arrangements for the early examination of the victim;
* The Medical Records Officer (Casualty) will immediately inform the Ward Manager or the Charge Nurse of the Casualty about the case so that arrangement will be made forthwith to receive the victim who is then seen, on a fast track, by the doctor for emergency treatment, if required;
* The Ward Manager/Charge Nurse will inform other medical officers, Ward Manager, Charge Nurse of designated Wards for admission of victims (Gynecologist, Psychologist, medical Social Worker) about the case so that they arrange to see the victim at the hospital;
* A specific place has been earmarked by the Ministry of health and Quality of Life in one Ward for female adults where the team mentioned above will see the victim as and when required. Arrangements will be made at the level of the hospital for victims to be treated in the presence of a close female relative;
* The medical examination is undertaken and swabs are taken by the Police Medical Officer at the hospital;
* Appropriate treatment for HIV/AIDS should be given to the victim.
* The Police Station informs the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection of the case of sexual assault. Subject to their consent, adult victims will be provided with psychological assistance by the Psychologists of the ministry of Women’s Rights, Child Development, family Welfare and Consumer Protection.
CHAPTER SIX
MLF & INTERNATIONAL MOVEMENTS LIKE #METOO

Lessons from DSK Exposure as Predator

The predatory behaviour of one of the most powerful males in the capitalist world is at long last coming under public scrutiny. He is Dominique Strauss-Kahn, the now disgraced IMF chief, who was in charge of regulating the whole world’s economy, and who has just had criminal charges dropped in a New York Court for attempted rape, sequestration and sexual aggression. The past cover-up of Strauss-Kahn’s anti-women behaviour over the years, be it by his own milieu, his organization the Parti Socialiste, or by the Press, is now beginning to be analysed in France. But misogyny dies hard. Some still want him back in the Parti Socialiste. They see the dropped charges as having “blanchi” DSK, rather than for what it actually means: the law Courts are not always ideal places for bringing predatory males to book. He will now be facing a civil suit for damages.

The lessons of this “French phenomenon” of covering up for powerful predatory males are plentiful. It seems that the “French specificity” is due to a right-wing counter-revolution in France over the 20 years after the 1970’s feminist revolution. This renewed anti-woman philosophy, one that colludes with predatory males, is based on two much-touted concepts: one “nationalist” – the French specificity in matters of courtship and “seduction” – and the other, “creationist/universalist” – the
supposed *natural* and thus *universal* roles of women as “passive”, men as “aggressive”. With ideas like this still floating around, women’s emancipation has still got a long way to go in that part of the world.

The Press in France resorts to the additional subterfuge of the sanctity of powerful men’s private lives. Note it is not just their “privacy”. “*La vie privée*” (meaning, let’s be frank, “leading a double life”) was an excuse used by domineering men world-wide long ago to cover up behaviour they themselves found shameful: from wife-beating to philandering, from virtual polygamy to paying-for-sex, from predatory behaviour to misogynist violence. But, in most countries it is no longer acceptable for public figures to lead a double life. The hypocrisy is untenable. Obviously, in France, however, *la vie privée* is still an acceptable excuse, and this is so precisely because of the counter-revolution-against-women there, even if it calls itself *féminisme à la française* (See a good article on the web by Prof Didier Eribon denouncing this extreme-right current.)

Anyway, in France, in general, public figures who are sex predators were covered-up until the New York case. Strauss-Kahn’s past violence against women, for example, was him being “*un seducteur*”, curiously a word with little negative connotation in French, considering it means manipulating women to “get” them. In English, the term is uncomplimentary, to put it mildly. In France, it can refer to even a predator, and yet be “our way of doing things”.

The now notorious, but typical, reactions in France to the rape charges against Strauss-Kahn are startling to the non-French. Reactions included: “*Il n’y a pas mort d’homme*” or the raw misogyny and class hatred of mere “*troussage de domestique*”. This last remark reminds us that the feudal *droit de cuissage* still haunts French society. *Le droit de cuissage* remains part
of la vie privée of politicians. It is only recently that in France there is general outrage against this kind of misogynist remark. The newspaper, Liberation, castigated other newspapers for the male-chauvinist line of “Frankly, this chamber maid was, between you and me, looking for it, wasn’t she? ... We know them, these girls who hang around in luxury hotels, chamber maids or not. We know what they’re looking for,” Liberation lambasted them.

So, things do seem to be changing in France after the international-level public disgrace of Strauss-Kahn.

Let’s take a brief look at the narratives.

Strauss-Kahn’s own story of the New York Sofitel Hotel should be enough to disgrace him in any other democracy, and knock him out of politics for good. This, on the grounds that he is a slob. But, the French media, in the main, persist in painting him as just a “men will be men” guy. The media, in turn, influences many French people to remain in this old-fashioned mode. The first version Strauss-Kahn put out after the Sofitel accusation was this: he had nothing to do with the woman who accused him of aggression because he was busy having lunch with his daughter and the whole thing was an invention. Then, after DNA results, he put out that he did, after all, have sex with the complainant. But it was “consensual”. For this volte-face, he is not a liar, of course. But, let’s look at what kind of a man he says he is in his new version: minutes before meeting his daughter for lunch, and a few hours before flying home to his wife, this rich, powerful man bumps into a hotel maid by chance; she had walked into his room to clean out, and found him so irresistible that she fell on her knees before him; he did not even pay her (which would make his version more credible, if not more honourable).

His own final version of what happened ought to make him
a very bad *Parti Socialiste* candidate, that’s for sure. A liar, an advantage taker, a head full of male vanity, living a life of hypocrisy. And that by his own reckoning. His friends should be calling on him to change his ways immediately. His party should be debating a motion for his expulsion. The Press should be analysing what kind of man his version means that he actually is. He is a public figure, so his behaviour naturally comes under scrutiny.

Of course what Ms Nafissatou Diallo, the victim, says he did that day is worse, much worse. And his behaviour, if what she says is true, is violent, criminally violent, behaviour. The recently published forensic evidence seems to corroborate her version. And just because there is not enough proof to press charges on Strauss-Kahn, doesn’t mean that what Ms Diallo says happened is not what happened. It just means that, quite rightly, *overwhelming* proof of guilt on specific charges is necessary before the State locks anyone up. This does not mean that what she says happened is *not* true. The Courts, though helpful in exposing predatory males, are not always the ideal institution to deal with them. Everyday society – friends, family members, colleagues, comrades, acquaintances – should pull up these men on their behaviour on a daily basis. They should be dealt with by their own organizations, their professions and professional organizations, and by the Press, too. The Courts are helpful, of course, in some cases – even if only as a way of speaking truth to power. And even though power may not be able, for practical and other reasons, to mete out justice.

Ms Diallo’s narrative resembles rather startlingly what Ms Tristane Banon had already said in a TV chat show in 2007 happened to her a few years earlier at the hands of DSK. She had spoken out from *before* the New York events. The TV film
of her was on the internet, out there in public, but with Strauss-Kahn’s name beeped out of her story. Now, she has gone to the Police in Paris.

And in both cases, the women describe sexual aggression, attempted rape, and sequestration with violence. They describe a man who is a sexual predator. A man with serious problems. Someone who actually lies in wait and traps women, or opportunistically attacks them, and abuses them brutally, tearing their clothing and bruising them.

But we see two very different kinds of victim. Ms. Diallo is someone Strauss-Kahn does not know at all. He has sex with her as she comes to clean out his room. He takes advantage of her low status relative to him, and her fear of losing her job. At the other end of the spectrum of abuse is what Ms Banon suffered. She is almost a member of DSK’s household, something of a “daughter”. She is his daughter’s close friend, his second wife’s god-daughter, and his Socialist Party colleague’s daughter. As such Strauss-Kahn is in a privileged almost-family relationship with the young woman less than half his age. There are strict social norms for sexual behaviour in this kind of almost-family relationship. To make his predatory behaviour worse, he had also had sex in his office previously with Ms Banon’s mother, sex she has recently described as “brutal”, and like some kind of a “soudard” or sex-mad soldier, even though “consensual”.

And there are other kinds of abuse. Ms Piroska Nagy, an IMF employee, had already said formally and in writing of Strauss-Kahn in 2008 that “he is a man with a problem that may make him ill-equipped to lead an institution where women work under his command”. Think what these measured words so clearly warn of. Why would she say this? And yet her words fell on deaf ears. She also said, “I felt that I was damned if I did and damned if I didn’t,” when he, as the big boss, proposed sex
with her, a mere junior. Think of what these words mean, too. If they do not mean the “blackmail-type” sexual harassment, then what in the world does? And she concluded, to make her point clear, “… it is, in my view, incontestable that Mr. Strauss-Kahn made use of his position to obtain access to me.” That, too, is how predators work. They use the relative power differential, in all kinds of situation, in order to obtain “consent” or to be able to claim consent afterwards:

- Rich male hotel client v/s Poor, humble, immigrant, widowed, chamber maid
- Powerful, rich uncle v/s Young girl in the close family circle
- Top boss at work v/s Female employee.

It seems that powerful, political, predatory males, especially those on the “left” of the political spectrum, are clever at knowing that they can count on a cover-up from their immediate entourage and political entourage. This is, therefore, what has to stop. Bill Clinton knew he could abuse a 21-year-old “stagiaire” who’s mother got her the placement through her close Democrat Party colleague. He did not even have to resign. Mitterrand knew he could live a double life of virtual polygamy, having forced two mistresses and their two children to live in the dim twilight slavery of hidden lives. And DSK can head for the Presidency counting on mainstream media hiding his predatory behaviour from the public.

A woman in Brazil had also accused Strauss-Kahn of sexually aggressing her in a lift she happened to share with him. She was also a mere employee, and in a Third World country. Two other Sofitel women staff have complained about being propositioned by DSK. All this is predatory behaviour. But DSK could count on getting away with it.

A woman lawyer referred to as “Marie-Victorine”, who met
DSK through her father being a Parti Socialiste colleague, had a clandestine affair with him although he was twice her age. She said in an interview, referring to the New York case: “Franchement, je pense qu’il y a eu une relation entre eux, une relation forcée. Je ne sais pas s’il s’agit de viol. C’est un homme qui est physique, donc il est tout à fait possible qu’il ait étéreint cette femme de façon brusque ou brutale.” She goes on to qualify this statement somewhat.

Even the boss of a New York brothel has now come forward saying she has had complaints from her sex workers about DSK’s brutality. There’s another unequal relationship: rich brothel client v/s poor young woman working as prostitute in big city. Even where there is contractual consent, he is accused of being violent. It is not often that a brothel Madame comes out in public and names a client, for the simple reason that in her line of work, “discretion” is worth money while going public could put clients off her establishment, a brothel being a place that specializes in providing services that nearly all the buyers are ashamed of. She said she felt it her duty to protect women from violent males.

There had been other warnings. Again, unheeded:

A Parti Socialiste woman MP, Aurelie Filipetti said Strauss-Kahn had made a “very heavy, very pressing” come-on to her, and then said “I made sure I never ended up alone with him in a closed space.” Think of what these words mean. Can a woman put out a more dire warning than this? And think of what the words mean coming from a woman in the same political party as DSK. The Parti Socialiste did not pull DSK up.

Another very sober warning came from the Liberation journalist based in Belgium, Jean Quatremer, who as early as 2007 wrote on his blog: “Le seul vrai problème de Strauss-Kahn est son rapport aux femmes. Trop pressant, il frolé souvent le
harcèlement. Un travers connu des médias, mais dont personne ne parle (on est en France).” This was another dire warning. He calls DSK’s relationship with women a “travers”. His article was not designed to invade DSK’s privacy, but to warn people in the public interest that DSK would bring disgrace to himself, his wife and family, his Party, his country, and the institution he was head of, if he was not brought to order in time. Could you have a stronger statement than this, pulling up Strauss-Kahn and the French media in public, long before the New York incident? This is what being a good journalist is.

The 2006 book by Christophe Deloire and Christophe Dubois Sexus Politicus had also already denounced Strauss-Kahn’s “seduction to the point of obsession”, and mentioned that female journalists complained about his behaviour towards them, and a woman civil servant had refused his offer to “come up to his office to relax”. Again, these two journalists spoke out, after doing investigative work. Their warning was not heeded. In fact, this newsworthy aspect of their book was hardly commented upon.

In 2009, the comedian Stephane Guillon also did his job well, not just making people laugh but, like the best court jesters, warning of a serious problem that the powerful are conspiring to hide. He was sacked from his Radio France Inter job, soon after he broadcast a skit unmasking Strauss-Kahn. The Radio Station, he said, had taken “extraordinary security measures” to protect women present ahead of Strauss-Kahn’s coming Broadcast. Female personnel had instructions to wear long skirts and dark, unsexy clothing. His sketch said one woman editor was wearing a hijab. Guillon also declared “dark, secluded places” like “toilets, parking lots and closets” out of bounds. In the event of the emergency of his arriving on any particular floor, he joked, a loud warning siren (which he demonstrated) would go off; female staff should go directly to lifts for evacuation,
he said. “No need for panic,” he added. DSK didn’t get into trouble. It’s France! Guillon did.

But now gradually, this powerful man is being pulled up in France. The Parti Socialiste is presumably beginning to wonder if DSK should not have been suspended from the Party long ago. In fact, The Economist has signalled a change in “standards in French public life” after DSK’s case. A year ago a French Senator, Jacques Mahéas, was found guilty of sexual harassment. It had taken six years in the Courts. He was fined, but he kept his seat as Senator. His trial and conviction went almost unreported, The Economist says. “Fast-forward to last month, when a junior minister, Georges Tron, was accused of sexual harassment by two female ex-employees. He denied the charges. The story was splashed on the front pages. A week later he had lost his job.” This certainly indicates a healthy shift in the attitude in public life. Let’s hope it is not ephemeral.

The French media is beginning to study itself and to learn the costly lesson of covering up the behaviour of predatory males, and of using “la vie privée” as an excuse for silence, at the expense of women continuing to be abused. The women’s movement in France is gaining ground and reacting, too.

The IMF must have been sorry they did not heed the warning of Ms. Nagy.

**In Mauritius**

In Mauritius, there is a similar societal cover-up of predatory males. There is the same lame excuse: “la vie privée”. Some companies, political parties, trade union federations, and even media outfits give privileged space to predatory males – even when everyone there is aware of the predatory behaviour, even after it is denounced. Those around him, instead of telling him to stop it, instead of publicly dissociating from him, instead of decreasing his power, instead of advising him to go for treat-
ment, just cover up for him. Just as DSK was covered up for.

One example in Mauritius is that, when young women complained to older women staff members about a predator’s behaviour in “briefings” in 2004 at their work-place, they were told that the perpetrator had “worked in France where women were used to this kind of behaviour.” The implication was that Mauritian women should, as French women do, accept this predatory behaviour. Let’s hope the argument no longer holds, as the world finally realizes that French women have, for 30 years, suffered an additional oppression which got licence from a uniquely French anti-woman counter-revolution.

Another example in Mauritius is the outrageous misogyny of a trade unionist. Despite being publicly denounced, on more than one occasion, the man is still supported by unions, even some supposed “left” people, and many in the media – as if the denunciation had never taken place.

In general, powerful predators are given licence in Mauritius – unless there is some partisan reason for exposing them. Then anything goes. Even, as was the case when Dinesh Ramjuttun “needed” to be knocked out for partisan reasons, photographs and the full name of a very young girl-child were published. Later, for partisan reasons, he was rehabilitated, as if all this never happened. Similarly, the “macarena” party comes up only at specific conjunctures in “partisan” history.

What we need is principled action from all those around predatory males.

So, there are many lessons in the DSK unmasking process. In the Muvman Liberasyon Fam in Mauritius, we have held two meetings with members and had one meeting with women journalists on the DSK issue, and we will be discussing the issue at our next open meeting on the New Women’s Manifesto on 18 September [2011].
Conclusion

The excellent 1998 Danish film, *The Celebration* shows how it is necessary to not just denounce, but to persist in denouncing predatory males. After one denunciation, *the party just goes on*, as it does quite literally in the film. Even after a second denunciation, *the party just goes on*. But eventually, his entourage calls him to task. Denounces him. Shuns him. Isolates him from potential victims. And in the film, as in real life, the Courts are shown to not always be the ideal place for bringing predatory males to book.

Ms Nagy tried to denounce DSK. Ms. Banon tried. Mr. Guilllon tried. Mr. Qautremer tried. Messrs Deloire and Dubois tried. All the denunciations have accumulated. Finally Ms Diallo’s denunciation may be the one that brings home what a predatory male DSK is. This is happening not in the Courts, but by forcing society to make him accountable for his actions. But he had to be denounced again and again and again. DSK risked becoming even more powerful, and more predatory, had it not been for all these denunciations. He could have been President of France. He has certainly weakened the *Parti Socialiste* by his behaviour. And they have weakened themselves by not suspending him from membership of their party much earlier. In fact, he is still not suspended.

*Lindsey Collen, Sadna Jumnoodoo, Shabeela Kalla, Ragini Kistnasamy, Rajni Lallah, for the MLF, 23 August, 2011.
On 24 August 2011, published on LALIT’s website*

[P.S. By now, 2019, The Parti Socialiste has, in fact, just about disappeared from the political landscape in France, after having been the single biggest party at the time.]
Women Worldwide denounce Predators

Worldwide women are finally rising up against sexual abuse by men who have power – however great or small that power is. A recent addition to the long list is religious scholar and media showman, Tariq Ramadan.

Complicit Silence in Mauritius?
This case, though over two weeks old now, has not been mentioned yet, to our knowledge, by any journalist or editorialist of the Press or other mainstream media outlets.

Employed at St Anthony’s College in Oxford, Mr. Ramadan is the “chouchou” of the French media, a kind of television star preaching a form of Islam that some of the French elite want to hear. He has also been the “chouchou” of the Mauritian Francophile media. But, he is meanwhile known for saying outright rubbish like, “I’m in favour of struggling for a secular state in countries where Muslims are in a minority” (sic) and is notorious for his refusal to condemn the sentencing to death of women by stoning, calling only for a moratorium. These give the lie to his “progressive stance”, as do many other of his public pronouncements. Since 20 October, four women – three in France and one in Belgium – have begun to denounce him for serious sexual aggression. Others accuse him of leading a whole “double-life”. [Confirmed by his own admission, now in 2019.]

All media cover the case, not Mauritian media
Accusations against him for sexual assault have been reported in all the French and British media outlets, including the BBC,
RF1, France 24, and all the rest of the world media, including Arabic sites, Al-Jazeera in English, and in the USA’s *New York Times* and *Washington Post* – to name just a few. So, women are warned in all these countries that there are allegations of severe sexual violence against this religious man, who has privileged access to vulnerable women. But women are not warned in Mauritius. Even though the scholar often visits Mauritius – at one time, he came every year – and he holds conferences, which are the place, it seems, where he recruits victims.

He says the allegations are all lies.

**French State knew about his sexual violence and aggression**

“*Visé par deux plaintes pour viols: qui est vraiment Tariq Ramadan?*” the *Nouvelle Observateur* has a title ten days after the first charges i.e. on 30 October, 2017. The article continues about what the former chief of secret services for Islamic affairs at the Ministry of the Interior knew: “*Bernard Godard, expert de l’Islam en France, était lui aussi au courant de faits relevant du harcèlement sexuel. ‘Qu’il avait beaucoup de maîtresses, qu’il consultait des sites, que des filles étaient amenées à l’hôtel à la fin de ses conférences, qu’il en invitait à se déshabiller, que certaines résistaient et qu’il pouvait devenir violent et agressif, ça oui. Mais je n’ai jamais entendu parler de viols. J’en suis abasourdi’, confie-t-il à l’Obs.*”

In France, it seems, the definition of “rape” remains Medieval – at least for this chief of Renseignements Généraux for Islamic affairs from 1997-2014. Clearly, he is attempting to cover up for the French State knowing about the man’s serial sexual assaults, and choosing to remain silent.

**World-wide Twitter Campaign**

The charges against the supposed scholar Ramadan come in the midst of a rebellion by women, called the #MeToo campaign in
the US, or the #BalanceTonPorc campaign in France, referring to male chauvinist predators.

**In Mauritius, selective denunciation of males**

In Mauritius, people still glorify sexually violent males, even today.

They may finally, and when politically expedient, denounce Ravi Rutnah for calling a woman journalist a “female dog” or Kalyan Tarolah for sending and receiving sextos from a young woman seeking work. But, they seem not to have a general principle of denouncing this type of language and behaviour. And some perpetrators are given “press pardons”. Tariq Ramadan seems to be one such. There is rarely investigative journalism in Mauritius on males in power about their predatory behaviour.

**Violence of trade unionist**

Editorialists, who we in LALIT know are informed about extreme verbal violence of a trade unionist, for example, continue not just to cover up for him, but to promote the man. We know they know because we shared out the senior journalists amongst leading members of LALIT, and each went to visit them individually (and did the same for unionists), armed with written proof of a three-stage verbal assault on women by this trade unionist, Jack Bizlall.

Stage One was at a public meeting, where his violent language was something never heard before or since at a public meeting. When LALIT criticized this violence against women, and did so in measured tones, what was his reaction?

**Récidive**

A second dose of even worse anti-woman violence. He wrote the most deviously aggressive, intentionally sadistic A2-sized
tract against two women members of LALIT, the most violent misogynist diatribe anyone had ever read before.

Then, when LALIT’s women’s commission replied, again in measured tones, what was his reaction?

Ré-récidive
The third hurling of abuse.

He faxed a hideously violent letter from a travel agent’s office in Rodrigues to the LALIT women’s Commission members. Details of all three outbursts are in the public domain for all journalists and trade unionist to consult, on LALIT’s website.

Ré-ré-récidive
Yet recently, *L’Express* (27 August 2017) publishes Bizlall saying he was supposedly “*agressé*” by Lindsey Collen! Journalists, in their favour, were quick to spot that Rutnah had *not* been insulted first by a woman journalist saying he “*aboyer*”, as he claimed in his feeble defence. But, it is shocking that this kind of lie by the trade unionist should be published when the whole history of his aggression is public on the internet. This lie is gaily published alongside some other basically misogynist garbage by *L’Express*. Talk about journalism that is complicit with the perpetrator of anti-woman violence!

Cover-up Continues
Jack Bizlall’s fellow trade unionists are much more informed than we are about the man.

When we went to see them, one by one, concerned about the violent verbal abuse of the A2 tract, all we met with from trade unionists was, “*Sa, pa naryin sa!*” What other women have suffered is hundred times worse, they say. And then they would inform us of behaviour we had no idea existed. Indeed a hundred times worse.
And yet they promote him. Just as journalists do. One calls the predator his “guru”; others use him as ally, or even as negotiator of final resort. And while they may tell us they ban him from their own homes because they have a young daughter, they do not offer the same level of protection to young women in their unions and federations who might go to see him when they are vulnerable due to work problems.

Recently on our site, we once again (in a news article of 21 September, 2017) drew attention to the original violent attacks by this trade unionist – against women in general at the public meeting, and then against LALIT women members in two attacks.

Here is a place to start your research, if you would like to be informed:
http://www.lalitmauritius.org/modules/documents/files/LalitMauritius-9766527f2b5d3e95d4a733fcb77bd7e.pdf

Then use the search engine on the site for the women’s commission letter.

**Background of Harvey Weinstein exposure**

To return to Tariq Ramadan: The testimony against him was inspired by the recent exposure by Hollywood stars of the predatory behaviour of the now disgraced high-flyer producer, Harvey Weinstein. He, too everyone knew about, but covered up. He has skipped the country, and, to his credit, announced he is seeking psychiatric help.

**DSK**

Before this, there was the serial denunciation of totally disgraced ex-IMF Boss and Ex-Future-French President of the Republic Dominique Strauss-Kahn. He was so long at his abuse of women that he was finally exposed for having abused a colleague Socialist woman MP and then a generation later, her own
daughter! He has remained largely unrepentant, France being very reactionary socially, in its continued Feudal confusion between, inter alia, “private life” and “sexual assault”.

**Trump**

There is also anger amongst women all over the world about Donald Trump’s apparent “impunity” for his generalized misogyny, and then even after being caught on tape making much of his own sexual aggression on women.

**Jimmy Savile**

There was also the recent disgrace of BBC’s superstar Jimmy Savile – coming years after his death.

**Fox News Bosses and House of Cards star**

More recently there has been the sacking of Fox News bosses, Bill O’Reilly and Roger Ailes. House of Cards production has now stopped temporarily altogether after Kevin Spacey has been accused of sexual abuse on young men, and has taken leave for treatment.

**UK Defence Minister**

Saturday last there was the resignation of Theresa May’s Defence Minister Michael Fallon in the UK. The only public denunciation is that he put his hand on a woman journalist’s knee. As many as 40 Conservative MPs are under scrutiny for sexual harassment. There are also Labour and other MPs on the list.

**Tariq Ramadan denounced?**

Many of the above cases have been denounced in the Mauritian press, in the international pages, but not yet the allegations against Tariq Ramadan, even though there are already formal criminal charges being prepared against him now. There is also a long-term background of suspicion of his “double vie”.
First formal complaint
Henda Ayari, the first victim to come forward, recounts her experience in 2 or 3 minutes on video, at http://www.dailymotion.com/video/x66vbc1

She has also quite rightly called for St Anthony’s College, Oxford University, to suspend him from his job there during any case and then, if he is found guilty, to fire him.

Second formal complaint
A second woman came forward with formal charges. She is someone who uses crutches. She relates an aggression not too different in style – in a hotel, his blaming her for the violence, making her stay the night – and then she gives an account of even more violence, beatings and sexual assault of extreme violence and humiliation. She has medical reports of her assault.

“La plaignante raconte encore avoir été contrainte à pratiquer une fellation et avoir été forcée à un acte sexuel douloureux. ‘J’ai hurlé de douleur en criant stop’, a-t-elle dit dans sa plainte. Elle aurait également été trainée par les cheveux par le théologien jusqu’à la salle de bain où elle aurait subi d’autres humiliations.” (Paris Match, 27 October.)

Since then, there have been two other women who have spoken out publicly.

Background of “double vie” and journalists being informed
Meanwhile, the editorialist at the publication, Marianne, who has followed Tariq Ramadan for many years, Christine Fourier, says in an article on 27 October, 2017 entitled, “Le Double Vie de Tariq Ramadan” that, “Il m’a fallu des années pour démontrer le double discours de Tariq Ramadan. Depuis 2009, je savais qu’il menait aussi une double vie, à l’opposé de ses nombreux sermons sur la “conception islamique de la sexualité”. Pourtant, je n’ai pas pu l’écrire. Les faits les plus
graves ne pouvaient être révélés sans preuves solides, sans qu’une victime porte plainte. ... Mais j’ai alerté des confrères et même des lieutenants de Ramadan. Rien ne se passait.” Ms Fourier has heard details from four women victims. There are two other journalists who have heard victims tell of the assault they suffered. The photographer Jean-Claude Elfassi has heard of about ten victims – all showing the same pattern of extreme brutality in their accounts. Since 2012, “I have read five or six accounts of violent assault on women”, Ian Hamel, journalist and writer of a book on the man says.

LALIT
3 November, 2017.
MLF has LALIT’s permission to reprint its 2017 article.)
(1) For Kreol Version of this article see Chapter Eight
It is not really a paradox that the Press in the USA, while having so many of its top bosses disgraced for sex abuse in the past two years, has also seen fine journalists from its rank-and-file bravely denouncing and analyzing this very issue. The close proximity in the US press empires of perpetrator bosses and young women who write about such things – once there was a Pres. Donald Trump flaunting his own predatory behavior – made for a dynamic process that is still in action. The Weinstein denunciations that triggered masses of sackings, not only in the movies industry but also in the Press, were interestingly pre-dated by some high profile denunciations within the media – in both the US and Britain.

To give an idea of the seismic scale of events, here is a short list of the top male journalists in the press and TV-Radio in the US fired for sex abuse of different kinds since Trump’s campaign in 2016. There are many more who have been suspended pending investigation, others have resigned without investigations, and yet others still who have not been reported upon, being less well known men. This is a list of men actually fired, or clearly forced to resign. It took an hour or two on the internet for us in the MLF to dig up this list – from multiple sources.
Roger Ailes Fox News CEO fired June 2016 after sexual harassment.
Eddie Berganza Group Editor of DC Comics, sexual harassment, fired Nov 2017.
Steve Chaggaris CBS News political director fired, Jan 2018.
Paul Bliss fired by CTV after sex abuse reports, Jan 2018.
Mike Germano boss at media outlet VICE, fired for sexual harassment, Jan, 2018.
John Hockenberry ABC, NBC and NPR icon, sexual harassment, resigned from WNYC Aug 2017; Dec 2017 report makes clear he was fired.
Jamie Horowitz dismissed by Fox News, July 2017, sexual harassment.
Johnny Iuzzini ABC host, sexual misconduct, ABC stopped his show Dec 2017.
Knight Landesman Artforum publisher, sexual harassment, resigned Oct 2017, 100 women+ sign letter denouncing him,
Matt Lauer, host The Today Show, fired by NBC, sexual misconduct, Nov 2017
Ryan Lizza star reporter The New Yorker, dismissed Dec 2017.
Leonard Lopate longtime host WNYC, inappropriate conduct, fired Dec 2017.
Rick Najera fired by CBS, sexual harassment, Oct 2017
Bill O’Reilly Presenter on Fox News, AP, fired by Fox News April 2017
Michael Oreskes top editor, Head of News at National Public Radio, disciplined, sexual harassment, suspended, then resigned, Nov 2017.
Tavis Smiley PBS talk show host, fired Dec 2017.
Lockhart Steele, Editorial director at Vox Media, fired Oct 2017

This revolution against past moral turpitude in the Press has spread like wild-fire to the rest of the world. But in Mauritius not so. While the Press here usually follows international stories generated in news outlets in imperialist countries, rather like a well-trained colonized puppy-dog, in this case it has balked. This is no doubt the result of the conditioned instinct to cover
up on this issue. So, sex abuse has not been properly debated
in the Press here yet. Sex harassment abroad has not even been
properly reported here – not even “lifted” from the international
press! Editorialists have steered clear of the subject altogether.
Almost banned it. Even when the subject concerns a massive
upheaval in their very own sector, the Press!

Indeed in Mauritius, top men in the media empires have a
reputation for reluctance to expose sex abuse perpetrated by
*powerful men*. The Press still bows down to the French feudal
tradition of *droit de cuissage* at the work-place. Women jour-
nalists are almost all furious, but they have not yet been able
to act together.

In fact, the general *omerta* has only recently begun to lift. But
soon the best journalists in the Press here will no doubt begin to
do their research and then take up their pens so as to tell *truth
to power* – in their own sector, as well as about predatory men
in politics and in big business. Political parties are changing.
The PMSD took the lead and the MMM followed in supporting
[sportswoman, see article in this book] Jessika Rosun. While
there were various disciplinary measures taken by ML, MSM,
PMSD, and Mouvement Patriotique over the past months.

But, while journalists prepare to expose cases of sex abuse,
they should simultaneously read up on how the US investigative
journalists have clearly developed a code of ethics that prevents
them falling for set-ups, confabulation, empty allegation or
vengeful accusation. There are so many good articles in the
American Press on the Weinstein case and on the media bosses’
cases that can act as guidelines – and also articles on how the
journalists have had difficulty in getting the stories out. There
are even articles on how journalists were targeted, for exam-
ple, by Weinstein’s private detectives, just as the victims of his
sexual assault were. Even on cases of women journalists who
were fired for reporting sex abuse to their bosses in the Press. Many of the men responsible for firing women for such reports in the past have, this year, been fired, themselves, for sexual harassment. [See Ronan Farrow’s articles, for example.]

The first public case of a sex-related offense to come up in the Press in Mauritius, other than the exposing of Jacques Maunick and former Senior News Editor Ambernath Mossae - both at the MBC - is, to our knowledge, the very serious affidavit signed by a top woman journalist at *L’Express* against her ex-boss (he has since resigned), who is also her ex-partner, the Director of Publications of *L’Express* Nad Sivaramen, while calling for him to be barred from seeing their 3-year old child. Journalists at *L’Express*, starting with Touria Prayag (6 April), then Axel Cheney (7 April) and then editorialist who signs KC Ranzé (8 April), have all had difficulty dealing with the issue. Having got used to covering up sex abuse cases against powerful men, they can’t quite get out of the habit. They can’t yet, as journalists, treat it as they treat any other criminal offense. And this particular case is so serious, so troubling, so acute that they are completely at a loss.

Touria Prayag takes up the defense of the whole *L’Express* empire from the point of view of the bosses and of the man standing accused. She makes out that the “shock” she suffers is worse for *L’Express* top cadres than it would be for other people. She calls, rightly, on the enemies of *L’Express* not to gloat. But she does not have the courage to name the principal gloater, Pravind Jugnauth. And she does not mention that *L’Express* has taken its own version of investigative journalism into the realm of children playing a gloating game, with programs like *Menteur, Menteur!* against Jugnauth’s allies. *L’Express*, including Nad Sivaramen personally, also published the affidavit of a man who was a fantastic confabulator in their denunciation of
a Minister, who rightly resigned. The Press recognized its error in lending credence to him. When Touria Prayag then compares her ex-boss Nad Sivaramen favourably to a host of MSM politicians, the pettiness and game-playing only continues. And then, as if to cover for her support to Nad Sivaramen, she calls the complainant Audrey Harelle “an exemplary colleague”, and goes on to vow that, “if the allegations turn out to be true, we won’t find it in us to forgive him [Nad Sivaramen] ever”! It is as if Touria Prayag is trapped in the feudal mind-set of vacillating between excusing sex abuse and lynching perpetrators. This pretense that there are only two choices – to cover up sex abuse or to lynch the perpetrator – is what upholds patriarchy, and what imprisons women in silence.

Axel Cheyney whose main concern is that now, *L’Express* top staff having been so brave as to slay giants in the past, now, when they denounce anyone, they will be sure to get some *énergumène* who will say, “*Al anket lor zot sef pedofil*”. And so the game continues. Even in the face of an affidavit that is so grave. And, worse still, given the generalized silence of the Mauritian press on the subject of sexual harassment and assault at the work-place, and having never ever having exposed sexual harassment by Press bosses, the *énergumène* will not be as far-fetched as he would otherwise be for such a comment.

KC Ranzé replies directly to Pravind Jugnauth, denouncing him for saying that, while the Press “*pe donn leson moralite, zot pa ’nn get zot dan laglas*”, which happens to be true, even if it is an unfeeling, petty riposte on the part of a Prime Minister. It goes without saying that, as in all cases of criminal offences, the decision as to whether there is enough evidence to find someone guilty is the work of the Courts.

But the silence of the Mauritian Press about the whole revolution taking place – finally denouncing age-old sexual
harassment at work – is shocking. The Press has not noticed that, for the first time in history, the patriarchal hierarchies that permit sex abuse at work, in the first place, are being exposed to the light of the sun. The Press has not noticed that, for the first time in history, the Boards of whole organizations (Oxfam and *Medecins sans Frontiers*) are standing accused as employers of covering up sexual harassment. They have not noticed that, in New York State, the Board members at Weinstein’s firm are individually under *criminal charges* for aiding and abetting sex abuse by their silence and by their non-action.

It has finally begun to become a question of personal, social and political morality: if the Press, or other bosses, refuse to expose a man who abuses and harasses women at work (as they expose other physical violence), this constitutes complicity with the abuse of more young women – generations of women – by this man. And if the Press, or other bosses, continue to give an audience to the perpetrator, continue to accord him power, then, it is more than complicity, it constitutes aiding and abetting.

*Lindsey Collen*  
*for the Muvman Liberasyon Fam*  
*13 April, 2018.*
CHAPTER SEVEN

Women’s Common Platform for Political Parties - 2019

MLF is Not a Single Issue Campaign

To give an idea of MLF’s general program, here is the Common Platform for Women prepared in the context of the General Elections coming up for political parties to adopt:

On the occasion of International Women’s Day and also at the beginning of an election year, women from different perspectives gathered at the invitation of the Muvman Liberasyon Fam on 10 March 2019 at Grand River North West. The meeting was held in order to thrash out a Common Platform for Women’s Emancipation that can be adopted/adapted by other womens groups, and that will be presented to all political parties so that they include these concerns in their respective Electoral Programs from right now:

1. Housing for every woman!

Given that:
- women suffer domestic violence in part because we have nowhere to go if we abandon a violent partner, and violent partners know this,
- in the past, the Central Housing Authority rented affordable “lakaz vev” to single mothers until the agency was closed down in 1992 after which women have suffered untold misery from the lack of housing as a right,
- and given that women suffer because of living in “heirs’ housing” that grown-up children, often now with children of their own, later refuse to move out of because it is “their own” by future inheritance, and that this engenders endemic violence, and a significant number of murders, and given that:
- sugar estate land, Mauritius’ main agricultural land, is being squandered on golf courses for rich adults to play on and is being sold off to millionaires, and this with immense Government subsidy, 

*that therefore your Party*

– undertakes that it is the State’s responsibility for all single mothers and all families to be assured housing they can afford, including a rental option, and that you will ensure this transition from the present system to one more like the ex-CHA, and use land that is being wasted on golf courses and real estate speculation for housing and social amenities that give respect to all the people.

### 2. Employment Assured for Every Woman

Given that, in order to be independent and to be able to pay for housing, food and other necessities, women need jobs that are permanent and pay that is enough to live on, 

Given that the country’s agricultural land must be used for creating the base for agriculture and industries for preserving and processing food, 

*that your Party thus*

– agrees that it is the State’s responsibility for all women (and all men too) to have permanent jobs, or if not, a guaranteed Social Security income as of right and not with patronizing social contracts, 

– agrees that the land of the country be used, as well as for housing, for job creation, 

– accepts that the State must be responsible, in the final analysis, for job creation in production. 

– will ensure that food production includes value added food preserving and processing for export so there are jobs for women in research, factories, marketing and transportation. 

### 3. The Land Question and Women

Given that land is the basis for agriculture, industry, job-creation, production, food security and housing for all, it is something that cannot be controlled privately in the interests of personal profit, and given that until recently, it was indeed rightfully illegal for sugar estate bosses to use their land as real estate, whether to parcel it, to sell it in bits, to build villas on it, and given that it was rightfully illegal for non-Mauritians to buy land, 

*that your Party undertakes*

– to ensure that non-viable sugar and cane production is gradually phased out, 

– to ensure that agricultural land is not sold off, 

– that land is used to create employment for women and for all, to ensure food security for all which is a women’s issue, and to ensure land for housing.
4. Peace, a Women’s Cause
Given that
- women, in daily life throughout history, have been and still are responsible for peace,
- the ICJ has statuted that Chagos must be de-colonized,
- the Pelindaba Treaty outlaws nuclear arms in Africa, and Diego Garcia is in Chagos, Chagos is now clearly part of Mauritius, and Mauritius is in Africa,
- the UN calls for an end to Israeli colonization of Palestine,
  that your Party, inter alia,
  - calls for a date at which the USA-UK military base on Diego Garcia be closed down.
  - calls on Israel and the USA to stop the occupation of Palestine.

5. No to Repression – it only makes more Problems for Women
Given that
- problems women suffer are often aggravated by State repression,
  that your Party
  – undertakes to decriminalize abortion i.e. no woman ever in future be charged for undergoing an abortion,
  – undertakes that Social Security will pay child support and never again resort to forcing men to look after their children by locking them up, as this provokes more male violence,
  – promises not to increase maximum prison sentences for rape, as this causes rapists to murder the only witness i.e. the victim,
  – undertakes to decriminalize homosexuality between consenting men of age, and recognize marriage between consenting adults,
  – undertakes to set up a Commission of Enquiry into the death of Kaya and others found dead in custody, as a move to stop police violence and to expose the nature of the uprising against the police that followed Kaya’s death.

6. Women’s Health
Given that
- women’s health care is important to women and is often women’s responsibility,
Your Party will
– assure best practices as of right in hospitals and dispensaries, in respect to:
– contraception services, with staff trained to be sensitive to young girls being sexually active.
- abortion services in hospitals.
- best practices for diagnosis and treatment of breast cancer, and uterine cancers.

7. Education for freedom and more space for children
Given that
- violence in children is not their fault, and not necessarily the fault of their parents or teachers, but is a societal phenomenon that needs to be addressed at root cause,
your Party thus
- recognizes that, in this context, all parents need to be offered a job with regular pay, and housing they can afford, and commits to embarking upon taking this responsibility,
- will ensure that subjects are taught in the mother-tongue, so children understand them and learn to think about the subject naturally instead of learning off-by-heart, and so as to ensure mother-tongue based multi-lingual education, and will organize consciousness-raising on this amongst parents,
- will begin the process of ensuring that all children have a safe pathway to walk to school by themselves i.e. wide enough sidewalks on all roads, with mothers/teachers to assist at crossings, so that children are free,
- will ensure that children have grounds at every street corner to play on,
- will introduce proper sex education be introduced in schools, so that children can protect themselves from predators and prepare for a healthy sex life later on in life,
- will ensure that education includes subjects that help children to think, to analyse and to develop critical and creative capacities freely – like evolutionary biology and proper analysis of society in terms of history of the different classes and of the history of those societal values that care for all people – and that after school hours, there will be games, chess, bridge, art, music, dance groups, under supervision in all school premises, during which socialization also takes place,
- undertakes to help children, teachers and parents understand and use machines, technology and the internet in the interests of society, and not be used by these.

8. Women, children and men living with disabilities
Given that many women live with disabilities, and/or are responsible for the care of those in their household who live with disabilities,
that your Party
- will ensure full rights to everyone – to work, to housing, to food security and to access to all public facilities.
9. Women are not Objects to be Looked At, or Abused

Given the stereotyping of women, and also of men,
that your Party
− will do all in its power to treat men and women equally, within your Party and in all policies you adopt,
− will expose and sanction men in your Party or Alliance when they act as predators, bullies or sexual blackmailers, by means such as denunciation, suspension and expulsion.

10. Technology must be Used for the General Good

Given that most cyber-executives, who know the dangers, refuse to give their own children the electronic gadgets that the profit-making Companies they work for sell to us all, and that many even send their children to expensive schools where computers and devices are banned, and that the social media Companies have created dangers they could and should have predicted, in order to make more money from more “clicks” thus more advertisements, and from selling our data,
that your Party
− undertakes to encourage cyber freedom in the context of an internet free from the profit motive.

14th March 2019
CHAPTER EIGHT
KREOL VERSIONS OF SOME ARTICLES

Lindsey Collen depoze lor Konsep Kle
Asolt ek Konsantman

Ala seki Muvman Liberasyon Fam inn dir dan zot depozisyon divan Law Reform Commission le 22 Ziyet, Port Louis. Sa but la ti prezante par Lindsey Collen. **Asolt ek Konsantman**

Depi 1977, dan MLF, nu finn lite pu fer Leta sanz lalwa pu ki truv “asolt sexyel”:
(i) kuma asolt tukur, e osi
(ii) pu asir santralite kestyon “konsantman” pleynan, setadir konsantman kler e net.

**Asolt**


1) Si enn kikenn donn u enn kutpwin dan figir, li enn asolt. Personn pa rod okenn “exkiz” pu perpetrater dan Lakur, swa kot Stasyon Lapolis, swa dan lapres kumkwa perpetrater ti provoke. Personn pa blam viktim enn agresyon ordiner kumsa – e.g viktim so linz ti sexi lor li. Personn pa dimande kifer viktim la ti dan enn plas retire kumsa, ubyn kifer li finn sorti tar aswar kumsa. Personn pa vinn dir ki viktim la li enn dimunn ki dimunn abitye “bate kutpwin” suvan. Setadir tu dimunn kone enn asolt, li enn asolt. Enn pwin se tu. Nu ule asolt sexyel konsidere parey. Remarke, pu liye kutpwin ar kestyon konsantman: Enn dimunn kapav donn konsantman pu kikenn bat li kutpwin dan figir e.g. pandan lantrennman pu labox pu Zedezil, ubyn dan konkur la. Me, la osi, li enn konsantman.


3) Si enn kikenn koste ar u, vinn kup u seve enn kut an-tret – li enn asolt. Fode u donn konsantman kot enn kwafer. La osi, u gid li komye exakteman u ule kupe.


Kuma lezot form asolt, asolt sexjel li pa spesifik ki viktim la so sex, setadir fam ubyin tifi. Enn atak fizik kont integrite korporel enn kikenn, zom, fam, zanfan, nerport kisannla ki viktim sa vyolans patriarkal, li enn asolt.


Sa-mem ki nu ule kuma prinsip debaz nuvo lalwa.

Rezonnman


Me, pu rezon istorik, asolt sexjel, dan lozik intern kad legal – e par konsekans osi dan lespri dimunn ek lapres – li anfet form parti plito dan “sexyalite”. Samem erer nu pe rod korize.

Li pu rezon istorik, akoz dominasyon fam par patriarsi (1), ki drolman asolt sexjel li truve kuma enn “form sexyalite” ki zom ena ki agresif.

Kan nu truv asolt sexyel kuma asolt tukur, ena inklisasyon pratik inportan ki swiv:

1. Li vinn pli difisil pu blam viktim la. Suvan dan ka asolt sexyel, inklir vyol, ena tandans sey met blam lor viktim la. Resaman, nu finn tann enn eminan lezis, enn ansyin Sef Ziz Lakur Siprem dir, kan li pe zistifye grasye enn zom kondane pu vyol, ki “young girls give consent and then afterwards say they didn’t” (2). Ondire, li pe dir viktim a blame, pa perpetrater. E li dir sa, mem apre enn-de rar kondanasyon. Sa kalite spekilasyon lor kilpabilite enn viktim, li kuran lor asolt sexyel, e sa pu kontiyne osi lontan ki lalwa truv asolt sexyel kot ofans la li enn su-kategori “sexyalité”, plito ki, seki li afekte integrite sexyel viktim la.

2. Kan truv asolt sexyel kuma enn form asolt tukur, li anpes tu sa sinema imilyan kot viktim la bizin re-explik detay irelevennt ar polisy, lerla ar so avoka, lerla dan lakur, dan enn fason ki pran form enn dezyem agresyon sexyel – sann kut la an piblik. Sa vinn pli pir kan bizin ena referans initil lor teknikalite “penetrasyon”, ki vinn agrav problem la. Bizin plito get a ki pwin viktim asolt sexyel finn blese. Bizin get ditor li finn sibir.


4. Enn fwa truv asolt sexyel kuma asolt, li nepli relevennt pu:
   a) Get enn fam viktim so linz ki li ti mete.
   b) Get ki ler viktim la ti andeor lakaz.
   c) Get kot viktim la ti tuve, sipa enn plas retire.
   d) Gete sipa viktim la enn travayer sex ubyin non.
   e) Gete sipa viktim la fam marye perpetrater, so partner, ubyin non.
   Sa sanzman lanfaz, li inportan pu emansipasyon fam.
   Li osi inportan pu limit abi sexyel lor zanfan ek zenom, ek zom viktim.

**Kot prezize sorti ki asolt konsern “sexyalité” plito ki “vyolans”?**

Nu ena enn lide ase kler kimanyer sa lanfaz lor sexyalité sorti: li akoz listwar
opresyon fam. Zom ki alatet enn klan ti pe perdi “loner”, zot, si kikenn lot tripot “zot fam/tifi”. Sa ti vre ki ena konsantman, ki pena, ubyin mem si fam la ti ule sa kontak la. Tradisyonelman, kote Lwes kuma Les, fam/ tifi ti espes enn “dibyin” zom (chattels). Alor, kan ena kontak sexyel san lotorizasyon mari ubyin papa, sa li enn infraksyon kont zom la.

Lalwa Napoleon ki Moris (ek Lafrans) tuzur ena, li swiv sa lozik la. Sa lozik patriarchal la, li pa existe pandan tu sa 200,000 banane lexistans limanite. Zis depi ki limanite inn invant lagrikiltir, e depi ki sosyete kumans kase dan differan klas yerarsik, patriarsi li osi finn emerze – dizon 5,000 a 10,000 an desela. Lerla ki fam kumans vinn propriete zom. E nu anchor dan lafin sa lepok la.

Alor, konsantman fam la pa ti releventn dan ka asolt sexyel ubyin vyol su reyn patriarsi debride. Infraksyon ti kont zom ki ansarz sa fam ubyin tifi la.


Remarke ki muvman #metoo finn expoz asolt sexyel dan USA, sosyete kot inpinite zom perpetrater petet mwins dan lemond. E laba, zot prop Prezidan finn donn konsey lor enn anrezistreman odyo, pu zom trap fam ar inpinite. Muvman #metoo la finn sanz balans defors anfaver fam viktim.

**Konsantman**

*Konsantman* li konsep kle pu definir *asolt sexyel*. Etan done laplipar asolt sexyel li dan lafami, ubyin dan enn serk ase pros, sa vyolans dan lafami, e sa stati kuma “propriete” lafami ki fam tuzur sibir, finn rann li difisil pu met “konsantman” o-sant. Dayer, tu asolt sexyel – ubyin preske – li suzantand enn relasyon puvwar v/s inpwisans, setadir enn yerarsi
puvwar, akumanse par yerarsi patriarkal limem, e ranforse dan lafami, lor sayt travay, dan relasyon ar profesyonel, e anzeneral. Me, ler finn vini asterla pu exzize ki lakle pu konpran asolt sexyel se prezans ubyin labsans konsantman.


Me, kan nu aksepte sa, nu fini rekonet ki seki santral dan asolt sexyel se bel-e-byin konsantman. Li osi ule dir ki sa konsantman la bizin san ekivok – sinon enn miner ti kapav donn li.

Kan konsantman vinn seki inportan, sa sanzman, par limem, li evakye problem swivan:

1) Polisye, avoka, lapres, pena pu koz lor lavi sexyel pase viktim la. Seki inportan, eski li finn donn konsantman a sa zom la, pu sa akt la. Laliyn kes-tyonmnna lor fam la so lepase ti bizin spesifikman dekrete inadmisib, anplis.
2) Referans a linz fam irelevennt. Sa osi bizin dekrete spesifikman inadmisib kuma evidennts dan lakis.
3) Referans a plas kot fam la ti ete, swa ler li ti laba, sa osi vinn irelevennt.
4) Referans a fam la so travay, si li travayer sex ubyin enn eskort-girl, li nepli relevennt.

Enn bon kad legal, alor, edik piblik osi byin ki tu polisye ki fer lanket, avoka ek mazistra/ziz, ek lapres. Enn bon kad legal, li kapav sanz balans-de-fors dan sosyete an zeneral an-faver fam.

Ena lezot pwin ki otomatikman swiv: Konsantman pa kapav existe si viktim la enn zanfan, si li san-konesans, si li sile ubyin su linfliyans ladrog, ubyin si li ena enn dezabilite mantal ki anpes li sezi.

Konsantman, li bizin tuzur spesifik pu enn ak an partikilye, e pa pu tu ak. Konsantman, kan li fini done, li pa eternal. Fam la kapav retir li nerport kan, apre. Parey kuma enn malad kapav re-tir so konsantman pu enn loperasyon.

Labsans konsantman, dan nu lexperyans, li normalman byin kler, byin evidan pu perpetrater, osi byin ki pu viktim. Li selman ideolozi sa yerarsi patriarkal ki dir kan enn fam dir “non”, li ule dir “wi”, etc. On-dire fam pena kapasite langaz. Si perpetrater li su linfliyans lalkol, sa li pa enn exkiz pu li pa konpran ki pena konsantman. Konsantman bizin done san kontrint ki pu perdi travay, ubyin su menas. Me, seki inportan ar konsantman, se fam la bizin donn li. Balans defors dan diferan yerarsi
bizin pran an-konsiderasyon pu zize si enn fam finn donn konsantman libreman. Nu finn sutenir 2 zenn fam ki ti al raport enn ka lager dan kartye kot Istasyon Ti-Rivyer, e ki ti vyole par 2 polisyè, ki ti plede ki sa 2 fam la ti donn konsantman, enn zafer ridikil.

**Exsepsyion pu konsantman dan ka tifi anba laz**

Laz pu donn konsantman pu sex pa kapav avan enn zanfan gayn so 16 an, kuma enn pwin zeneral. Nu dakor alor avek sa kategorì “statutory rape” ubyin asolt sexyl otomatik dan ka zanfan anba 16 an. Me, si viktim la ena plis laz, ubyin laz egal ar perpetrater, nu krwar li posib ki ena konsantman. Mazistra pu bizin cheke. Li pu osi bizin cheke sipa ena lezot yerarsi ki inegal – zom la enn gran kuzin, tonton, ubyin anplwayer so fami, ubyin enn proprieter lakaz.

**Eklersisman: vyol li asolt sexyl – li pa nesesit enn ofans separe**


Ala nu lide lor sa 2 tem la: asolt ek konsantman

**NOT**

(1) Osi byin ki dominasyon patriarkal lor lezot kuma tu zanfan, e tu zom ki pa maco

(2) Former Chief Justice Victor Glover: “Dans 95 % des cas, après l’acte, la victime se demande ce qu’elle a fait. Qu’est-ce que les gens vont dire? Elle va alors voir la police pour dire qu’elle a été violée, alors que strictement parlant, elle n’a pas été violée.” (L’Express, 27 October, 2018).
Leritaz depi lalit fam dan Moris
depi avan muvman #metoo

Below is the Kreol version of the article published today 7 February, 2018 in L’Express. It has been sent to our site by the Muvman Liberasyon Fam, which is popularizing its pair of articles on the uprising against sex abuse. The other article is on our website news section posted 30 January, 2018 under the title “Support for World Movement against Sex Abuse from MLF.”

Enn kudey lor Listwar Resan Fam pe Opoz Abi Sexyel dan Moris

Kan dimunn tann lor sa rebelyon mondyal fam kont abi sexyel par zom avek puvwar dan diferan yerarsi patriarkal – abi ki ankor tuzur pe persiste dan sosyete zordi – zot kapav panse ki kan Muvman Liberasyon Fam ubyin #shamethem finn repran sa isyu dan Moris, nu pe nek swiv sa muvman mondyal ki finn deklanse par fam Amerikin dan Hollywood.

Me, li pa vre.

Dan sa lartik la, nu pe donn enn-de lexanp kimanyer fam dan Moris depi Lindepandans finn diyl avek abi sexyel. Nu pu kumans avek pli gran muvman kont abi sexyel – kot par milye laburer kann fer lagrev an 1970 – e nu pu terminn avek sinbolism pwisan “Fam Reklam Lanvit”, enn lamars fam aswar depi Port Louis ziska Curepipe ki ti fer le 8 Mars 1983.

Enn Lagrev pwisan

An 1970 ti ena enn lagrev an rotasyon. Li ti enn protestasyon kont abi sexyel, kont vyol, lor Tablisman Médine. Ti ena enn kolom ki, avek konplisite enn sirdar, ti pe izol enn laburer fam depi so geng travayer, pu ki li kapav vyol li. Abi la ti vyolan, e li ti san relas, enn dominasyon

Alepok, sa kalite vyol lor sayt travay ti komin. Li ti komin depi lepok esklavaz, pas par langazman e li ankor kuran zordi zur – dan saybersite, dan labank, dan biro, pa zis dan lizinn ek dan karo.


Patron fu kolom la deor. Lagrev ti enn sikse total. Okenn travayer pa perdi travay. Sa muvman donn travayer fam enn imans konfýans. Pa ti ena okenn sindikalist inplike. Zot finn organize par zot mem. Zis mazinn ki kalite lakorite u “konpransyon ankomin” ti bizin enan pu planifye, pu met amars, enn tel kalite lagrev!

Li pa enn sekre ki laburer Médine ti kolonn vertebral, ti dan lavangard,

**Etidyan Tifi dan lavangard Revolt Etidyan**

An Me 1975, tifi kolez Bhujojhary, Kolez Eden, QEC, e depi tu kolez dan Moris pran latet revolt etidyan pu dekoloniz ledikasyon. Par milye tifi kolez Form II a Form VI desann dan lari, konfirm zot drwa a liberte muvman san arselman.

**Premye Manifesto Fam Kont Vyol ek Abi Sexyel**


**Aksyon “Instal e Denons” Predater an Piblik**

Ti ena enn predater sexyl ki ti pe opere dan Port Louis. Li ti pe ofer pu fer zenn fam gayn enn plas travay. Sanse li konn dimunn avek puvwar donn travay. Li ti pe servi riz, anbet tifi pu rant dan so loto, lerla al dan enn plas retire, obliz zot fer sex oral ar li. Enn viktim, ki finn sibir sa kalite abi sexyl la, kan bug la pe kit li, sigzer ki li amenn enn lot fam, vinn zwenn li dan 2 zur pu tulde gayn travay. Ki kalite prezans lespri tifi la ti ena! Li met enn randevu avek bug la. Lerla, tutswit li vinn dan renyon MLF kot nu planifye dezyem parti sa “loperasyon instalé”.

Kumsa ki le 3 Ut 1977, li ek enn lot volonter MLF dibut divan bati-

MLF tir enn kominike pu met fam angard kont sa bug predater ki “**rul enn Volkswagen mwar F716 e dir ki li pu fer fam gayn travay. Li enn gro bug, ena ledan lor o-milye, met linet fine, e an bush shirt. Fer atansyon! Pa rant dan so loto!” (Le Militant, 9 Ut 1977). Le Mauricien, 5 Ut 1977, ekrir dan enn lartik:
Un jeune homme d’une trentaine d’années, Casanova [sic] malchanceux s’est fait assaillir, vers 13 heures, par une trentaine de filles qui se déclare avoir été ses ‘victimes’.

Fevriye 1978 – Gran Miting Piblik Fam dan Zardin Konpayni

Kan pe al ver Zurne Internasyonal Fam, enn fron komin met dibut par MLF, Solidarite Fam, fer enn miting avek 300 fam dan Zardin Konpayni. Dan sa miting piblik, parmi tem lor lekel orater fam pran laparol, e ki osi dan Sart ki vote, ti ena opozisyen kont abi sexuel e vyolans. Rajiati Chengebroyen ti koz lor sa tem la. Parmi lezot orater, ti ena Fe Zubeida Bahim, Kisna Kistnasamy, Marie Claire Bibi, Shirin Aumeeruddy, Lindsey Collen, Fe Denise Nakeed, Marie Claude Malabar, Solange Brunet, Mm Seegoolam. Sa li ti kumansman enn form kontrol sosyal lor predater.

Revi Kont Vyol ek Vyolans Sexuel - 1978

MLF pibliye enn revi Fam Lite lor size vyol ek abi sexuel kot nu met lanfaz lor “agresyon”, e kritik lanfaz arkaik lor swadizan “sexyalite zom” kan ofêt vyol li sa puvwar zom macho pu inpoz kontrol lor fam e sa li lekontrre lexpresyon sexyalite. Parey kuma enn kalot lor u latet, li lekontrre, enn kares lor u latet.

Fam Partisip masivman dan Muvman Lagrev Ut 1979

Represyon Vyolan kan Fam Manifeste kont Vyol par Polisyèn


Muvman demas 1980, fam ankor enn fwa partisipe masivman

Muvman demas, pu fors guvernman ek patron pu respekte Lakor 23 Ut 1979 ki ti met fin a lagrev so lane avan, ti vinn enn imans muvman grasa partisipasyon fam dan manifestasyon otur sa long lagrev lafin. Sa muvman la, parey kuma Lagrev Ut 1979, kontribye buku pu diminye arselman kont fam dan lari. Sa diminisyon dan arselman lari inn dire pu ankor 20 an, me dan nuvo milener, sa form arselman la inn reparet.

Fam dan Lagrev Lafin Diego Garcia ek dan manifestasyon Lari


Lamars Aswar “Fam Reklam Lanwit”

Le 8 Mars 1983, *Solidarite Fam* avek MLF alatet, organiz enn lamars fam aswar pran depi Zardin Konpayni ziska Sant Fam MLF dan Kirpip. 50 fam, avek kat-sink zanfan, avek flanbo dan lame, partisip dan lamars, pu dir non a arselman sexyl dan lari ek dan plas pijiblik. (*Tit Le Mauricien, 9 Mars 1983 “Des Femmes revendiquent la rue la nuit”*). Tut long larut lamars,
Labutte, Borstal, Beau Bassin, Rose Hill, fam dibut dan bor lari pu sutenir lamars fam, pu donn nu limonad.

Alor, kan pe fer progrè dan lalit pu emansipasyon fam ek pu nu lib-
erasyon, nu bizin asire ki nu apiy lor aki sa bann lalit ki nu finn rakonte
dan sa lartik la, e lor tu lezot lalit dan lepase, avan sa ti-peryod ki sa lartik
la kuver, e osi apre li. Se kumsa ki nu pa re-invant laru!

Muvman Liberasyon Fam, 6 Fevriye 2018

Dan Lemond Antye Fam pe Denons Predater Sexyel

Dan lemond antye, fam pe briz silans, pe denons agresyon sexyel. Fam pe lev lavwa sirtu kont abi sexyel par zom avek puvwar lor fam – ki puvwar la tipti, kuma seki enn relizye, enn profeser, enn sindikalist ena,
u gran, kuma enn Minis ubyin enn gran patron ena.
Enn nuvo nom ki finn azute lor sa long lalist ki pe akize la se Tariq Ramadan, intelektyel relizye ek gran star medya.

Silans Konplis dan Moris?

Sa nuvo ka, mem si plis ki de semenn inn pase depi premye akizasyon
formel le 20 Oktob, pa finn ena okenn lartik par enn zurnaliste u enn
editoryalist dan lapres ni dan lezot sayt medya meynstrim dan Moris,
otan ki nu kone.
Anplwayne par St Anthony’s College, Liniversite Oxford, M. Ramadan
“chouchou” medya dan Lafrans, enn zar star televizyon ki pres enn
form Islam ki sertin dan elit Franse anvi tande. Li usi “chouchou” medya
Frankofil Moris. Me, li anmemtan usi koni pu pozisyon konpletman in-
akseptab kuma, “Mo an faver enn leta sekilye dan pei kot Mizilman enn
minorite” (sic) e li malfame pu so refi pran pozisyon kont penndemor
kont fam par lapidasyon, li pronn selman enn moratwar. Tüsala devwal
ipokrizi so sanse “tandans progresist”. Depi le 20 Oktob, kat fam – trwa
dan Lafrans ek enn dan Belzik – finn kumans denons Tariq Ramadan
pu agresyon sexyel grav. Ena mem pe akiz li ki li ena enn “dub lavi”.
Ena ankor 4 fam dan Laswis ki finn akiz li deli sexyel ar miner, depi kan
zot ti so zelev dan Zenev.
Medya Lemond Denonse, Medya Moris Gard Silans


Li pe dir tu sa alegasyon la, zot fos. Li pe prepar purswit kont fam ki finn denonse.

Leta Franse deza Okuran so vyolans sexyel


Dan Lafrans, li paret, definisyon “vyol” ankor tuzur feodal – dimwin dan parol sa sef Renseignements Généraux ant 1997-2014 lor kestyon Islamik. Li pe klerman sey kuver pu Leta Franse ki ti deza okuran lor Tariq Ramadan so agresyon sexyel anseri, me finn swazir pu res trankil.

Kanpayn mondyal lor Twitter

Akizasyon kont Tariq Ramadan li dan mem moman sa rebelyon fam atravær kanpayn #MeToo dan Lamerik , kanpayn #BalanceTonPorc dan Lafrans, pu denons zom sovinist predater.

Moris, Denonsyason Tuzur Selektif - pa tu Perpetrater

Dan Moris, zordizur ankor ena dimunn, mem dan lapres, ki glorifye zom ki vyolaman anti-fam.

**Sindikalist Vyolan**

Ena editoryalist, ki nu dan LALIT kone ki zot okuran vyolans verbal grav enn sindikalist, par exanp, me zot pa zis kontinye kasyet so pese, me zot kontinye ponp li. Nu kone ki zot kone parski manb dirizan LALIT inn al zwenn zurnalist sinnyor individyelman, (nu finn usi zwenn sertin sindikalist) avek prev an-ekri agresyon verbal kont fam an 3-vole par sindikalist Jack Bizlall.

Premye vole li dan enn miting publik. Ladan li ti servi langaz vyolan kuma zame pa finn tande ni avan ni apre dan enn miting publik. Kan nu dan LALIT kritik li dan enn fason byen poze pu sa kalite vyolans anti-fam, ki so reaksyon?

**Residive**

Li vini avek enn dezyem doz enn vyolans anti-fam ankor plipir ki premye, sann kut la an ekri. Li ekrir enn trak A2 agresif, Li intansyonelman sadik, kont de fam manb LALIT, enn dyatrib vyolan anti-fam kuma zame personn pa inn deza lir.

Lerla, kan Komisyon Fam LALIT reponn li, sa usi dan enn langaz byin poze, ki so reaksyon?

**Re-residive**

Li vinn delavan avek enn trwazyem vole agresyon verbal maladif.

Li faxe enn let vyolan ek orib depi enn azans vwayaz dan Rodrig a manb Komisyon Fam LALIT. Detay lor tu sa trwa epizod vyolans, zot dan domenn piblik pu tu zurnalist ek tu sindikalist capav al konsilte lor websayt LALIT – pu rafresi zot memwar inpe, sipa pu aprann pu premye fwa.
Re-re-residive

Purtan fek la, *L’Express* (27 Ut 2017) al pibliye Bizlall pe re-dir bann foste, kumkwa sanse li finn “*agressé*” par nu manb Lindsey Collen! Zurnalist, dan zot favor, ti byin vit spot Rutnah so defans feb ki sanse sa fam zurnalist ti ekrir ki li enn “*aboyer*” Me, li sokan ki sa kalite manti par sa sindikalal la kapav pibliye mem kan tu listorik dyatrib so agresyon, veritab agresyon depi li, li piblik, li aksesib, lor internet. Sa mansonz la pibliye dan *L’Express* ansam ek lezot insanite surnwa e o-fon anti-fam primer. Sa ki apel zurnalism konplezan avek seki kupab vyolans anti fam!

**Cover-up Kontinye**

Ki latitid so bann koleg sindikalist? Zot pli informe ki nu lor so konportman.

Kan nu, manb ladireksyon LALIT, ti al get sindikalist enn par enn konsernan vyolans ek agresyon verbal dan so trak A2, tu sindikalal inn dir nu ki, “*Sa, pa naryin sa!*” Seki lezot fam inn sibir li san fwa pli orb, zot dir. E lerla zot inform nu de so konportman anti-fam, ki nu pa ti kone existe. Vremem li san fwa plis orb.

Me, sindikalalist kontinye mont li. Zurnalist si parey. Ena mem enn sindikalalist ki apel sa predater la so “guru”, lezot servi li kuma enn alye, u kuma enn negosyater dernye rekur. Me, zot usi azute ki zame zot pa invit li kot zot dan zot prop lakaz – akoz, u kone, zot ena enn zenn tifi dan zot lakaz. Me zot pa ofer mem nivo proteksyon a tu sa zenn fam dan zot sindika, dan zot federasyon, ki riske al get enn tel bug kan zot dan enn sityasyon vilnerab otur problem dan travay, kuma sispansyon, kuma lisanisman.

Resaman lor nu websayt, nu finn ankor enn fwa atir latansyon (lartik dan seksyon *News* le 21 Septam, 2017) lor sa atak vyolan par Jack Bizlall – kont fam an zeneral dan sa miting piblik, e kont manb fam LALIT dan so de lezot atak.

Ala kot u kapav kumans u resers, si u ule inform u: http://www.lalit-mauritius.org/modules/documents/files/LalitMauritius-9766527f2b-5d3e95d4a733fccf77bd7e.pdf

Lerla servi serch lor sayt pu rod let Komisyen Fam. Li vo lapenn u pran letan pu inform u. E zurnalist ek sindikalalist pa pu kapav dir ki zot pa ti kone.
**Bakgrawn denonsyasyon Harvey Weinstein**


**DSK**

Avan sa, ti ena denonsyasyon an-seri kont Dominique Strauss-Kahn, ex-boss IMF ek Ex-Fitir Prezidan Lafrans. Li finn abiz fam depi telman letan kan akizasyon vinn an piblik, ki ti finn abiz so koleg fam depite Parti Sosyalist e lerla, enn zenerasyon plitar, li finn abiz de sa depite la so prop tifl! Li finn kontinye so lavi san remor, san exkiz. Me, li finn bizin fer fas plizir proso. So parti inn met li deor. E so fam inn met li deor. Dan Lafrans li pli difisil parski li enn pei byin aryere sosyalman, avek sa konfizyon feodal persistan ant “lavi prive” ek “abi sexyal”.

**Trump**

Ena buku lakoler parmi fam partu dan lemond kont inpinite Donald Trump pu so latitid anti-fam zeneralize. Sa inpinite finn persiste mem kan inn resi kapte li fer agresyon sexyal kont fam lor anrezistreman.

**Jimmy Savile**

Ena usi siperstar BBC Jimmy Savile ki finn diskredite net – kan so agresyon sexyal ki finn persiste pandan plizir deseni inn finalman vinn piblik – plizir lane apre so lamor. Li finn perdi tu so loner.

**Patron Fox News ek Akter seri House of Cards**

Minister Ladefans UK
Samdi dernye Minis Michael Fallon, Minis Ladefans dan Guvernman Theresa May, zom pli pwisan dan Kabine, finn demisyone. Sel denonsyason piblik ki finn ena kont li ziska ler se ki li finn poz so lame lor zenu enn zurnalist.

Ena lanket ankur lor plis ki 40 depite Konservater pu abi sexyel. Ena usi depite Labour ek lezot depite lor lalis. Inpinite dusman-dusman pe ekrule dan lezot pei, enn par enn. Me, Moris?

Tariq Ramadan denonse?
Medya dan Moris finn ena lartik ki kuver buku sa bann ka mansyone lao me pankor ena okenn lartik, ni mem komanter lor alegasyon kont Tariq Ramadan, mem si deza pe al ver met sarz kriminel kont li. Ena usi enn long listwar supson lor so “double vie”. Zis Nad Sivaramen inn dir dan so blog, omilye enn ta komanter irresponsab lor lezot size, ki fode lir sa “exper” la so bann liv avan kritik li!

Premye Plint Formel
Henda Ayari, premye viktim ki’nn vinn delavan, rakont so lexperyans dan enn video 2-3 minit
http://www.dailymotion.com/video/x66vbc1

Li finn avek rezon fer apel a St Anthony’s College, Oxford University, pu sispann Tariq Ramadan pandan ki ena ka kont li e si truv li kupab, pu lisansye li. Parey kuma House of Cards inn sispann Kevin Spacey.

Dezyem Konplint Formel

Depi sa, ena ankor de fam ki finn vinn temwanye an piblik, ek kat
fam ki finn expoz abi sexyl kan zot ti ankor zanfan miner, kan li ti zot profeser dan Zenev.

**Bakgrawn “dub lavi” e zurnalit deza okuran**

Antretan, editoryalist magazinn, Marianne, ki finn swiv sa misye la lor plizir lane, Christine Fourier, ekrir dan enn lartik le 27 Oktob, 2017 avek tit “La Double Vie de Tariq Ramadan” e ki “Il m’a fallu des années pour démontrer le double discours de Tariq Ramadan. Depuis 2009, je savais qu’il menait aussi une double vie, à l’opposé de ses nombreux sermons sur la “conception islamique de la sexualité”. Pourtant, je n’ai pas pu l’écrire. Les faits les plus graves ne pouvaient être révélés sans preuves solides, sans qu’une victime porte plainte. ... Mais j’ai alerté des confrères et même des lieutenants de Ramadan. Rien ne se passait.” Madam Fourier finn tann detay depi kat fam viktim.

Li pa sel zurnalit pu dir sa. Ena de lezot zurnalist ki finn tann tem-wanyaz bann viktim lor agresyon ki zot finn sibir.

Ena fotograf Jean-Claude Elfassi ki finn tann omwin 10 viktim – tu temwanyaz devwal sa mem patern britalite extrem.

Ena Ian Hamel, zurnalist ek ekrivin enn liv lor Tariq Ramadan, ki dir ki depi 2012, “Mo finn lir sink u sis temwanyaz lor so agresyon vyolan kont fam”.

**LALIT**

5 Novam, 2017

*Sa li enn tradiksyon, avek enn-de epdeyt, lartik an Angle poste le 3 Novam anba avek tit; Women World-Wide denounce Sexual Predators - Tariq Ramadan accused.*
NOTE ONE

Kominike lor Dokiman Law Reform Commission lor Agresyon Sexyel


Kifer Muvman Liberasyon Fam opoz long santans prizon?


b) Dan MLF, baze lor nu 43 banane lexperyans kolektif e lor nu dokimantasyon, nu kapav estime ki otur 10% zom kan zot ariv laz 40 an, pu finn deza perpetre kit form agresyon sexyl. E preske tu fam ariv laz 40 an, pu finn viktim kit form asolt sexyl. Zom predater opere dan ininite. Solisyon, nu panse, li sertennman pa dan anprizonn enn-de duzenn zom e ferm lizye lor sa leres 50,000 perpetrator. Pinisyon “exanpler” i.e. inpoz santans lur lor enn dimunn pu dekuraz lezot dimunn, li sertennman pa enn mwayin zist nonpli.

c) Nu, dan muvman fam, prefer truv anprizonnnman kuma enn lokazyon pu reform e, dan ka extrem vyolans maladif enn perpetrator, kuma enn nesesite pu protez sosyete. Li pa enn form vanzans institisyonalize. Li pa enn form pinisyon pu sanse “koriz” dimunn. Nu truv sinifikasyon enn prose dan Lakur, li truve dan _prosesis_ lalwa i.e. kot ena enn ka an

Bizin definir Agresyon Sosyal kuma “absans konsantman”
Nu dimann ki ena mansyon spesifik “absans konsantman”, kuma eleman kle dan definisyon “agresyon sexyl”, dan nuvo kod kriminel., Nu rezet propozisyon LRC ki baz limem lor la lalwa Franse ki asim konsantman.

Rajni Lallah, Muvman Liberasyon Fam, 22 Me 2019

NOTE TWO

How MLF Sees Patriarchy

To Avoid any Misconception: A Brief Introduction prepared for the LRC on How we See at least one aspect of “Patriarchy”

“Patriarchal structures, it is interesting to note, make many men suffer, too. Not just women and children. When Mr. Naden Pakeeree lost his wife after she had had an abortion under the patriarchal law that still out-laws abortion since 1838, although she pays the ultimate price, he too suffers beyond all imagination. Mr. Suresh Dawaking, whose wife was killed by a hired rapist and killer, has suffered for years for his loss, and fought a long battle to get to the truth. Ms. Veronique Topize and Ms. Bindu Ramlogun have suffered acutely from the loss in police custody of their respective husbands: but their husbands were killed by a patriarchal hierarchy. Killed in much the same manner as women who die from domestic violence: behind closed doors, and with the blame being supposedly on them. All this to say that patriarchal violence is a very harsh and dangerous phenomenon, and it is in everyone’s interests to end its rule.” (Quote from full version of interview given by one of our members, Lindsey Collen to L’Express 25 November, 2009.)
NOTE THREE

The Archaic law on Sexual Assault in the Mauritian Criminal Code

249. Rape, attempt upon chastity and illegal sexual intercourse

(1) Any person who is guilty of the crime of rape, shall be liable to penal servitude for a term which shall not be less than 10 years.

Amended by Act No. 36 of 2008

(1A) Notwithstanding any other enactment, where a person is convicted of an offence under subsection (1), the Intermediate Court shall have jurisdiction to inflict penal servitude for a term not exceeding 40 years; power to order sentences of penal servitude to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 20 years.

(1B) Notwithstanding any other enactment, prosecution for the offence of rape may, at the sole discretion of the Director of Public Prosecutions, take place before a Judge without a jury where it is averred that the offence of rape was committed by 2 or more individuals.

(1C) Sections 151 and 197 of the Criminal Procedure Act, and the Probation of Offenders Act, shall not apply to a conviction for the offence of rape.

Amended by Act No. 30 of 2003; Act No. 36 of 2008

(2) Any person who commits an indecent act ‘attentat à la pudeur’ by force or without consent upon a person of either sex, shall be liable to penal servitude for a term not exceeding 10 years.

(3) Any person who commits an indecent act ‘attentat à la pudeur’, even without violence and with consent, upon a child of either sex under the age of 12 shall be liable to penal servitude for a term not exceeding 10 years.

(4) Any person who has sexual intercourse with a minor under the age of 16 or a mentally handicapped person, even with his consent, shall be liable to penal servitude for a term not exceeding 20 years.

(5) (a) Any person who has sexual intercourse with a specified person, even with consent, shall commit an offence and shall on conviction, be liable to penal servitude.

(b) Any person who commits an indecent act ‘attentat à la pudeur’, even without violence and with consent, upon a specified person shall
commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding sixteen years.

(c) In this subsection, ‘specified person’—
(i) means any person who, in relation to the person charged, comes within the prohibited degrees set out in articles 151, 152 and 153 of the Code Napoléon;
(ii) includes —
(A) a stepchild or an adopted child, of whatever age, of the person charged;
(B) a child of whatever age whose custody or guardianship has been entrusted to the person charged by virtue of any other enactment or of an order of a Court;
(C) a child of whatever age or a mentally handicapped person, other than the spouse of, but living under the same roof as, the person charged or who is the child of the partner of the person charged.

(6) No prosecution shall be instituted under this section except on an information filed with the consent of the Director of Public Prosecutions.

(7) It shall be a sufficient defence to any prosecution under subsection (3) or (4) that the person charged had reasonable cause to believe that the child was above the age of 12 or 16, as the case may be.

Amended by Act No. 20 of 1990; Act No. 26 of 1991; Act No. 13 of 1998; Act No. 36 of 2008

NOTE FOUR
Legal Definitions of Rape in various countries (for LRC)

Canada
For Canadian law in detail, please turn to second-last article in book.

Britain
Sexual Offences Act (2003):
(1) A person (A) commits an offence if—
(a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
(b) B does not consent to the penetration, and
(c) A does not reasonably believe that B consents.
It is referred to as “sexual assault by penetration”.

**United States of America (Federal Law)**

USA Department of Justice says:
“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

**India (2103)**

375. [For rape or other sexual assault, it is done by a man to a woman] ... under the circumstances falling under any of the following seven descriptions:
Firstly. — Against her will.
Secondly. — Without her consent.
Thirdly.— With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.
Fourthly. — With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
Fifthly. — With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome Substance, she is unable to understand the nature and consequences of that to which she gives consent.
Sixthly.— With or without her consent, when she is under eighteen years of age.
Seventhly. — When she is unable to communicate consent.
....Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

**Australia**

In Australia, the law is state-by-state. At a glance, most States have texts with the words “without consent”.

**New Zealand**

Sexual violation defined
(1) Sexual violation is the act of a person who—
(a) rapes another person; or (b) has unlawful sexual connection with another person.
(2) Person A rapes person B if person A has sexual connection with person B, effected by the penetration of person B’s genitalia by person A’s penis,—
(a) without person B’s consent to the connection; and (b) without believing on reasonable grounds that person B consents to the connection.
(3) Person A has unlawful sexual connection with person B if person A has sexual connection with person B—
(a) without person B’s consent to the connection; and (b) without believing on reasonable grounds that person B consents to the connection.
(4) One person may be convicted of the sexual violation of another person at a time when they were married to each other.


South Africa
Rape
0.5

United Nations (2017, glossary)
“Penetration – even if slightly – of any body part of a person who does not consent with a sexual organ and/or the invasion of the genital or anal opening of a person who does not consent with any object or body part.”

On French Law
Quote from President Macron 2017 speech: “De même, nous ne pouvons admettre ce qui encore ces dernières semaines a été commenté, connu, le fait qu’on puisse reconnaître qu’un enfant de 11 ans puisse être réputé consentant lorsqu’il a eu une relation sexuelle avec un adulte. Notre Code pénal laisse là des ambiguïtés intolérables. … Ces affaires ont révélé un vide juridique que nous souhaitons combler. C’est pourquoi nous fixerons une règle claire dans la loi, parce que nous ne pouvons admettre que la présomption de consentement s’applique de façon aussi floue lorsqu’advient une relation sexuelle entre un mineur et un adulte.”

Excerpts from MLF article in Le Mauricien 18 May 2019
Definition of Sexual Assault

Assault

265 (1) A person commits an assault when
(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
(b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Application

(2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

Definition of Consent

Meaning of consent

273.1 (1) Subject to subsection (2) and subsection 265(3), consent means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.
**NOTE CINQ (BILINGUE):**

**Code Criminel Canadien concernant les agressions sexuelles (Extraits)**

CODIFICATION Code criminel
L.R.C. (1985), ch. C-46
À jour au 6 juin 2019
Dernière modification le 18 décembre 2018
Publié par le ministre de la Justice à l’adresse suivante : http://laws-lois.justice.gc.ca

**Définition de consentement**

**Voies de fait**

265 (1) Commet des voies de fait, ou se livre à une attaque ou une agression, quiconque, selon le cas :

a) d’une manière intentionnelle, emploie la force, directement ou indirectement, contre une autre personne sans son consentement;

b) tente ou menace, par un acte ou un geste, d’employer la force contre une autre personne, s’il est en mesure actuelle, ou s’il porte cette personne à croire, pour des motifs raisonnables, qu’il est alors en mesure actuelle d’accomplir son dessein;

c) en portant ostensiblement une arme ou une imitation, aborde ou importune une autre personne ou mendie.

**Application**

(2) Le présent article s’applique à toutes les espèces de voies de fait, y compris les agressions sexuelles, les agressions sexuelles armées, menaces à une tierce personne ou infliction de lésions corporelles et les agressions sexuelles graves.

**Définition de consentement**

273.1 (1) Sous réserve du paragraphe (2) et du paragraphe 265(3), le consentement consiste, pour l’application des articles 271, 272 et 273, en l’accord volontaire du plaignant à l’activité sexuelle.
Consent
(1.1) Consent must be present at the time the sexual activity in question takes place.

Question of law
(1.2) The question of whether no consent is obtained under subsection 265(3) or subsection (2) or (3) is a question of law.

No consent obtained
(2) For the purpose of subsection (1), no consent is obtained if (a) the agreement is expressed by the words or conduct of a person other than the complainant;
(a.1) the complainant is unconscious;
(b) the complainant is incapable of consenting to the activity for any reason other than the one referred to in paragraph (a.1);
(c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
(d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
(e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Subsection (2) not limiting
(3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.
1992, c. 38, s. 1; 2018, c. 29, s. 19.

Where belief in consent not a defence
273.2 It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject-matter of the charge, where (a) the accused’s belief arose from
(i) the accused’s self-induced intoxication,
(ii) the accused’s recklessness or wilful blindness, or
(iii) any circumstance referred to in subsection 265(3) or 273.1(2) or (3) in which no consent is obtained;
Consentement
(1.1) Le consentement doit être concomitant à l’activité sexuelle.

Question de droit
(1.2) La question de savoir s’il n’y a pas de consentement aux termes du paragraphe 265(3) ou des paragraphes (2) ou (3) est une question de droit.

Restriction de la notion de consentement
(2) Pour l’application du paragraphe (1), il n’y a pas de consentement du plaignant dans les circonstances suivantes :
   a) l’accord est manifesté par des paroles ou par le comportement d’un tiers;
   a.1) il est inconscient;
   b) il est incapable de le former pour tout autre motif que celui visé à l’alinéa a.1);
   c) l’accusé l’incite à l’activité par abus de confiance ou de pouvoir;
   d) il manifeste, par ses paroles ou son comportement, l’absence d’accord à l’activité;
   e) après avoir consenti à l’activité, il manifeste, par ses paroles ou son comportement, l’absence d’accord à la poursuite de celle-ci.

Précision
(3) Le paragraphe (2) n’a pas pour effet de limiter les circonstances dans lesquelles il n’y a pas de consentement de la part du plaignant.
1992, ch. 38, art. 1; 2018, ch. 29, art. 19.

Exclusion du moyen de défense fondé sur la croyance au consentement
273.2 Ne constitue pas un moyen de défense contre une accusation fondée sur les articles 271, 272 ou 273 le fait que l’accusé croyait que le plaignant avait consenti à l’activité à l’origine de l’accusation lorsque, selon le cas :
   a) cette croyance provient :
      (i) soit de l’affaiblissement volontaire de ses facultés,
      (ii) soit de son insouciance ou d’un aveuglement volontaire,
      (iii) soit de l’une des circonstances visées aux paragraphes 265(3) ou 273.1(2) ou (3) dans lesquelles il n’y a pas de consentement de la part du plaignant;
(b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting; or
(c) there is no evidence that the complainant's voluntary agreement to the activity was affirmatively expressed by words or actively expressed by conduct.
1992, c. 38, s. 1; 2018, c. 29, s. 20.

As in all Assault, three levels of Sexual Assault

Sexual assault

271 Everyone who commits a sexual assault is guilty of
(a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
(b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.
R.S., 1985, c. C-46, s. 271; R.S., 1985, c. 19 (3rd Supp.), s. 10; 1994, c. 44, s. 19; 2012, c. 1, s. 25; 2015, c. 23, s. 14

Sexual assault with a weapon, threats to a third party or causing bodily harm

272 (1) Every person commits an offence who, in committing a sexual assault,
(a) carries, uses or threatens to use a weapon or an imitation of a weapon;
(b) threatens to cause bodily harm to a person other than the complainant;
(c) causes bodily harm to the complainant; or
(d) is a party to the offence with any other person. (...)

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b) il n’a pas pris les mesures raisonnables, dans les circonstances dont il avait alors connaissance, pour s’assurer du consentement;
c) il n’y a aucune preuve que l’accord volontaire du plaignant à l’activité a été manifesté de façon explicite par ses paroles ou son comportement. 1992, ch. 38, art. 1; 2018, ch. 29, art. 20.

Comme dans toute agression, trois niveaux d’agression sexuelle
Agression sexuelle
271 Quiconque commet une agression sexuelle est coupable :
a) soit d’un acte criminel passible d’un emprisonnement maximal de dix ans ou, si le plaignant est âgé de moins de seize ans, d’un emprisonnement maximal de quatorze ans, la peine minimale étant de un an;
b) soit d’une infraction punissable sur déclaration de culpabilité par procédure sommaire et passible d’un emprisonnement maximal de dix-huit mois ou, si le plaignant est âgé de moins de seize ans, d’un emprisonnement maximal de deux ans moins un jour, la peine minimale étant de six mois.

Agression sexuelle armée, menaces à une tierce personne ou infliction de lésions corporelles
272 (1) Commet une infraction quiconque, en commettant une agression sexuelle, selon le cas :
a) porte, utilise ou menace d’utiliser une arme ou une imitation d’arme;
b) menace d’infliger des lésions corporelles à une autre personne que le plaignant;
c) inflige des lésions corporelles au plaignant;
d) participe à l’infraction avec une autre personne. (…)
Aggravated sexual assault
273(1) Every one commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant. (…)
R.S., 1985, c. C-46, s. 273; 1995, c. 39, s. 146; 2008, c. 6, s. 29; 2009, c. 22, s. 11; 2012, c. 1, s. 27

Sexual Assault against spouse
Spouse may be charged
278 A husband or wife may be charged with an offence under section 271, 272 or 273 in respect of his or her spouse, whether or not the spouses were living together at the time the activity that forms the subject-matter of the charge occurred. 1980-81-82-83, c. 125, s. 19.

Sexual Assault on children and the young
Sexual Offences
Consent no defence
150.1 (1) Subject to subsections (2) to (2.2), when an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of 16 years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge.

Exception — complainant aged 12 or 13
(2) When an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is 12 years of age or more but under the age of 14 years, it is a defence that the complainant consented to the activity that forms the subject-matter of the charge if the accused
(a) is less than two years older than the complainant; and
(b) is not in a position of trust or authority towards the complainant, is not a person with whom the complainant is in a relationship of dependency and is not in a relationship with the complainant that is exploitative of the complainant.
**Agression sexuelle grave**

273 (1) Commet une agression sexuelle grave quiconque, en commettant une agression sexuelle, blesse, mutilé ou défigure le plaignant ou met sa vie en danger.

(…) L.R. (1985), ch. C-46, art. 273; 1995, ch. 39, art. 146; 2008, ch. 6, art. 29; 2009, ch. 22, art. 11; 2012, ch. 1, art. 27

**Agression sexuelle contre le conjoint**

**Inculpation du conjoint**

278 Un conjoint peut être inculpé en vertu des articles 271, 272 ou 273 pour une infraction contre l'autre conjoint, peu importe s’ils cohabitaient ou non au moment où a eu lieu l’activité qui est à l’origine de l’inculpation.

1980-81-82-83, ch. 125, art. 19

**Agression sexuelle sur des enfants et des jeunes**

**Infractions d’ordre sexuel**

**Inadmissibilité du consentement du plaignant**

150.1 (1) Sous réserve des paragraphes (2) à (2.2), lorsqu’une personne est accusée d’une infraction prévue aux articles 151 ou 152 ou aux paragraphes 153(1), 160(3) ou 173(2) ou d’une infraction prévue aux articles 271, 272 ou 273 à l’égard d’un plaignant âgé de moins de seize ans, ne constitue pas un moyen de défense le fait que le plaignant a consenti aux actes à l’origine de l’accusation.

**Exception — plaignant âgé de 12 ou 13 ans**

(2) Lorsqu’une personne est accusée d’une infraction prévue aux articles 151 ou 152, au paragraphe 173(2) ou à l’article 271 à l’égard d’un plaignant âgé de douze ans ou plus mais de moins de quatorze ans, le fait que le plaignant a consenti aux actes à l’origine de l’accusation constitue un moyen de défense si l’accusé, à la fois :

a) est de moins de deux ans l’aîné du plaignant;

b) n’est ni une personne en situation d’autorité ou de confiance vis-à-vis du plaignant ni une personne à l’égard de laquelle celui ci est en situation de dépendance ni une personne qui est dans une relation où elle exploite le plaignant. (…)
Exception — complainant aged 14 or 15

(2.1) If an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is 14 years of age or more but under the age of 16 years, it is a defence that the complainant consented to the activity that forms the subject-matter of the charge if the accused
(a) is less than five years older than the complainant; and
(b) is not in a position of trust or authority towards the complainant, is not a person with whom the complainant is in a relationship of dependency and is not in a relationship with the complainant that is exploitative of the complainant. (…)

Mistake of age

(4) It is not a defence to a charge under section 151 or 152, subsection 160(3) or 173(2), or section 271, 272 or 273 that the accused believed that the complainant was 16 years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.

Corroboration not required

274 If an accused is charged with an offence under section 151, 152, 153, 153.1, 155, 159, 160, 170, 171, 172, 173, 271, 272, 273, 286.1, 286.2 or 286.3, no corroboration is required for a conviction and the judge shall not instruct the jury that it is unsafe to find the accused guilty in the absence of corroboration.

R.S., 1985, c. C-46, s. 274; R.S., 1985, c. 19 (3rd Supp.), s. 11; 2002, c. 13, s. 12; 2014, c. 25, s. 16.

Past sexual activity of victim inadmissible

Evidence of complainant’s sexual activity

276 (1) In proceedings in respect of an offence under section 151, 152, 153, 153.1, 155 or 159, subsection 160(2) or (3) or section 170, 171, 172, 173, 271, 272 or 273, evidence that the complainant has engaged in sexual activity, whether with the accused or with any other person, is not admissible to support an inference that, by reason of the sexual nature of that activity, the complainant
(a) is more likely to have consented to the sexual activity that forms the subject-matter of the charge; or
(b) is less worthy of belief.
Exception — plaignant âgé de 14 ou 15 ans

(2.1) Lorsqu’une personne est accusée d’une infraction prévue aux articles 151 ou 152, au paragraphe 173(2) ou à l’article 271 à l’égard d’un plaignant âgé de quatorze ans ou plus mais de moins de seize ans, le fait que le plaignant a consenti aux actes à l’origine de l’accusation constitue un moyen de défense si l’accusé, à la fois :

a) est de moins de cinq ans l’aîné du plaignant;

b) n’est ni une personne en situation d’autorité ou de confiance vis-à-vis du plaignant ni une personne à l’égard de laquelle celui-ci est en situation de dépendance ni une personne qui est dans une relation où elle exploite le plaignant. (…)

Inadmissibilité de l’erreur

(4) Le fait que l’accusé croyait que le plaignant était âgé de seize ans au moins au moment de la perpétration de l’infraction reprochée ne constitue un moyen de défense contre une accusation portée en vertu des articles 151 ou 152, des paragraphes 160(3) ou 173(2) ou des articles 271, 272 ou 273 que si l’accusé a pris toutes les mesures raisonnables pour s’assurer de l’âge du plaignant.

Corroboration non requise

Non-exigibilité de la corroboration

274 La corroboration n’est pas nécessaire pour déclarer coupable une personne accusée d’une infraction prévue aux articles 151, 152, 153, 153.1, 155, 159, 160, 170, 171, 172, 173, 271, 272, 273, 286.1, 286.2 ou 286.3. Le juge ne peut dès lors informer le jury qu’il n’est pas prudent de déclarer l’accusé coupable en l’absence de corroboration.


Activité sexuelle antérieure de la victime non admissible

Preuve concernant le comportement sexuel du plaignant

276 (1) Dans les poursuites pour une infraction prévue aux articles 151, 152, 153, 153.1, 155 ou 159, aux paragraphes 160(2) ou (3) ou aux articles 170, 171, 172, 173, 271, 272 ou 273, la preuve de ce que le plaignant a eu une activité sexuelle avec l’accusé ou un tiers est inadmissible pour permettre de déduire du caractère sexuel de cette activité qu’il est :

a) soit plus susceptible d’avoir consenti à l’activité à l’origine de l’accusation;

b) soit moins digne de foi.
Conditions for admissibility

(2) In proceedings in respect of an offence referred to in subsection (1), evidence shall not be adduced by or on behalf of the accused that the complainant has engaged in sexual activity other than the sexual activity that forms the subject-matter of the charge, whether with the accused or with any other person, unless the judge, provincial court judge or justice determines, in accordance with the procedures set out in sections 278.93 and 278.94, that the evidence

(a) is not being adduced for the purpose of supporting an inference described in subsection (1);

(b) is relevant to an issue at trial; and

(c) is of specific instances of sexual activity; and (d) has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice.

Factors that judge must consider

(3) In determining whether evidence is admissible under subsection (2), the judge, provincial court judge or justice shall take into account (…)

(b) society’s interest in encouraging the reporting of sexual assault offences; (…)

(d) the need to remove from the fact-finding process any discriminatory belief or bias; (…)

(f) the potential prejudice to the complainant’s personal dignity and right of privacy;

(g) the right of the complainant and of every individual to personal security and to the full protection and benefit of the law; (…)

Evidence of “reputation” of victim inadmissible

Reputation evidence

277 In proceedings in respect of an offence under section 151, 152, 153, 153.1, 155 or 159, subsection 160(2) or (3) or section 170, 171, 172, 173, 271, 272 or 273, evidence of sexual reputation, whether general or specific, is not admissible for the purpose of challenging or supporting the credibility of the complainant.

R.S., 1985, c. C-46, s. 277; R.S., 1985, c. 19 (3rd Supp.), s. 13; 2002, c. 13, s. 14
Conditions de l’admissibilité

(2) Dans les poursuites visées au paragraphe (1), l’accusé ou son représentant ne peut présenter de preuve de ce que le plaignant a eu une activité sexuelle autre que celle à l’origine de l’accusation sauf si le juge, le juge de la cour provinciale ou le juge de paix décide, conformément aux articles 278.93 et 278.94, à la fois:

a) que cette preuve n’est pas présentée afin de permettre les déductions visées au paragraphe (1);
b) que cette preuve est en rapport avec un élément de la cause;
c) que cette preuve porte sur des cas particuliers d’activité sexuelle;
d) que le risque d’effet préjudiciable à la bonne administration de la justice de cette preuve ne l’emporte pas sensiblement sur sa valeur probante.

Facteurs à considérer

(3) Pour décider si la preuve est admissible au titre du paragraphe (2), le juge, le juge de la cour provinciale ou le juge de paix prend en considération:

b) l’intérêt de la société à encourager la dénonciation des agressions sexuelles;
d) le besoin d’écarter de la procédure de recherche des faits toute opinion ou préjugé discriminatoire;
f) le risque d’atteinte à la dignité du plaignant et à son droit à la vie privée;
g) le droit du plaignant et de chacun à la sécurité de leur personne, ainsi qu’à la plénitude de la protection et du bénéfice de la loi.

Preuve de «réputation» de victime non admissible

Preuve de réputation

277 Dans des procédures à l’égard d’une infraction prévue aux articles 151, 152, 153, 153.1, 155 ou 159, aux paragraphes 160(2) ou (3) ou aux articles 170, 171, 172, 173, 271, 272 ou 273, une preuve de réputation sexuelle visant à attaquer ou à défendre la crédibilité du plaignant est inadmissible.

Protection of victim from production of personal records to the accused

Definition of record

278.1 For the purposes of sections 278.2 to 278.92, record means any form of record that contains personal information for which there is a reasonable expectation of privacy and includes medical, psychiatric, therapeutic, counselling, education, employment, child welfare, adoption and social services records, personal journals and diaries, and records containing personal information the production or disclosure of which is protected by any other Act of Parliament or a provincial legislature, but does not include records made by persons responsible for the investigation or prosecution of the offence.

1997, c. 30, s. 1; 2018, c. 29, s. 23.

Production of record to accused:

278.2 (1) Except in accordance with sections 278.3 to 278.91, no record relating to a complainant or a witness shall be produced to an accused in any proceedings in respect of any of the following offences or in any proceedings in respect of two or more offences at least one of which is any of the following offences:

(a) an offence under section 151, 152, 153, 153.1, 155, 159, 160, 170, 171, 172, 173, 210, 211, 213, 271, 272, 273, 279.01, 279.011, 279.02, 279.03, 286.1, 286.2 or 286.3; or

(b) any offence under this Act, as it read from time to time before the day on which this paragraph comes into force, if the conduct alleged would be an offence referred to in paragraph (a) if it occurred on or after that day. …
Protection de la victime contre la production de dossiers personnels à l’accusé

Définition de dossier
278.1 Pour l’application des articles 278.2 à 278.92, dossier s’entend de toute forme de document contenant des renseignements personnels pour lesquels il existe une attente raisonnable en matière de protection de la vie privée, notamment : le dossier médical, psychiatrique ou thérapeutique, le dossier tenu par les services d’aide à l’enfance, les services sociaux ou les services de consultation, le dossier relatif aux antécédents professionnels et à l’adoption, le journal intime et le document contenant des renseignements personnels et protégé par une autre loi fédérale ou une loi provinciale. N’est pas visé par la présente définition le dossier qui est produit par un responsable de l’enquête ou de la poursuite relativement à l’infraction qui fait l’objet de la procédure. 1997, ch. 30, art. 1; 2018, ch. 29, art. 23.

Communication d’un dossier à l’accusé
278.2 (1) Dans les poursuites pour une infraction mentionnée ci-après, ou pour plusieurs infractions dont l’une est une infraction mentionnée ci-après, un dossier se rapportant à un plaignant ou à un témoin ne peut être communiqué à l’accusé que conformément aux articles 278.3 à 278.91 :

a) une infraction prévue aux articles 151, 152, 153, 153.1, 155, 159, 160, 170, 171, 172, 173, 210, 211, 213, 271, 272, 273, 279.01, 279.011, 279.02, 279.03, 286.1, 286.2 ou 286.3 ;

b) une infraction prévue par la présente loi, dans toute version antérieure à la date d’entrée en vigueur du présent alinéa, dans le cas où l’acte reproché constituerait une infraction visée à l’alinéa a) s’il était commis à cette date ou par la suite. (…)
Insufficient grounds

(4) Any one or more of the following assertions by the accused are not sufficient on their own to establish that the record is likely relevant to an issue at trial or to the competence of a witness to testify:

(a) that the record exists;
(b) that the record relates to medical or psychiatric treatment, therapy or counseling that the complainant or witness has received or is receiving;
(c) that the record relates to the incident that is the subject-matter of proceedings;
(d) that the record may disclose a prior inconsistent statement of the complainant or witness;
(e) that the record may relate to the credibility of the complainant or witness;
(f) that the record may relate to the reliability of the testimony of the complainant or witness merely because the complainant or witness has received or is receiving psychiatric treatment, therapy or counselling;
(g) that the record may reveal allegations of sexual abuse of the complainant by a person other than the accused;
(h) that the record relates to the sexual activity of the complainant with any person, including the accused;
(i) that the record relates to the presence or absence of a recent complaint;
(j) that the record relates to the complainant’s sexual reputation; or
(k) that the record was made close in time to a complaint or to the activity that forms the subject-matter of the charge against the accused. (…)

Factors to be considered

(2) In determining whether to order the production of the record or part of the record for review pursuant to subsection (1), the judge shall consider the salutary and deleterious effects of the determination on the accused’s right to make a full answer and defence and on the right to privacy, personal security and equality of the complainant or witness, as the case may be, and of any other person to whom the record relates. In particular, the judge shall take the following factors into account:

(a) the extent to which the record is necessary for the accused to make a full answer and defence;
(b) the probative value of the record;
Insuffisance des motifs

(4) Les affirmations ci-après, individuellement ou collectivement, ne suffisent pas en soi à démontrer que le dossier est vraisemblablement pertinent quant à un point en litige ou à l’habileté d’un témoin à témoigner :

a) le dossier existe;
b) le dossier se rapporte à un traitement médical ou psychiatrique ou une thérapie suivis par le plaignant ou le témoin ou à des services de consultation auxquels il a recours ou a eu recours;
c) le dossier porte sur l’événement qui fait l’objet du litige;
d) le dossier est susceptible de contenir une déclaration antérieure incompatible faite par le plaignant ou le témoin;
e) le dossier pourrait se rapporter à la crédibilité du plaignant ou du témoin;
f) le dossier pourrait se rapporter à la véracité du témoignage du plaignant ou du témoin étant donné que celui-ci suit ou a suivi un traitement psychiatrique ou une thérapie, ou a recours ou a eu recours à des services de consultation;
g) le dossier est susceptible de contenir des allégations quant à des abus sexuels commis contre le plaignant par d’autres personnes que l’accusé;
h) le dossier se rapporte à l’activité sexuelle du plaignant avec l’accusé ou un tiers;
i) le dossier se rapporte à l’existence ou à l’absence d’une plainte spontanée;
j) le dossier se rapporte à la réputation sexuelle du plaignant;
k) le dossier a été produit peu après la plainte ou l’événement qui fait l’objet du litige. (…)

Facteurs à considérer

(2) Pour décider s’il doit rendre l’ordonnance prévue au paragraphe (1), le juge prend en considération les effets bénéfiques et préjudiciables qu’entraînera sa décision, d’une part, sur le droit de l’accusé à une défense pleine et entière et, d’autre part, sur le droit à la vie privée et à l’égalité du plaignant ou du témoin, selon le cas, et à la sécurité de leur personne, ainsi qu’à celui de toute autre personne à laquelle le dossier se rapporte et, en particulier, tient compte des facteurs suivants :
a) la mesure dans laquelle le dossier est nécessaire pour permettre à l’accusé de présenter une défense pleine et entière;
b) sa valeur probante;
(c) the nature and extent of the reasonable expectation of privacy with respect to the record;
(d) whether production of the record is based on a discriminatory belief or bias;
(e) the potential prejudice to the personal dignity and right to privacy of any person to whom the record relates;
(f) society's interest in encouraging the reporting of sexual offences;
(g) society's interest in encouraging the obtaining of treatment by complainants of sexual offences; and
(h) the effect of the determination on the integrity of the trial process.
1997, c. 30, s. 1; 2015, c. 13, s. 8.
c) la nature et la portée de l’attente raisonnable au respect de son caractère privé;

d) la question de savoir si sa communication reposait sur une croyance ou un préjugé discriminatoire; e) le préjudice possible à la dignité ou à la vie privée de toute personne à laquelle il se rapporte;

f) l’intérêt qu’a la société à ce que les infractions d’ordre sexuel soient signalées;

g) l’intérêt qu’a la société à ce que les plaignants, dans les cas d’infraction d’ordre sexuel, suivent des traitements;

h) l’effet de la décision sur l’intégrité du processus judiciaire.

1997, ch. 30, art. 1; 2015, ch. 13, art. 8

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