

**FIGHTING STATE AND INTERPERSONAL GENDER VIOLENCE :
A READER
LUTTER CONTRE LA VIOLENCE SEXISTE ÉTATIQUE ET
INTERPERSONNELLE : RÉFÉRENCES**

Prepared for : the “Accommodate this!” series, March 2008–

Préparé pour : la série “Accommode donc ça!”, Mars 2008.

1) 15 ans après le geste terroriste de l'École Polytechnique, la violence sexiste continue...

Par Martin Dufresne , 1er décembre 2004

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Brian Myles ; Le Devoir, vendredi 15 février 2008

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Andrea J. Ritchie

10) Pomo Woman, Ex-Prisoner, Speaks Out

Stormy Ogden

For further reading on this topic
Références supplémentaires sur ce sujet

Articles:

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Bonokoski, Nicholas. Colonial Constructs and Legally Sanctioned Sexually Violent Consequences in R V Edmondson, *Reconstruction*, 7.1, 2007.

Coker, Donna. Shifting Power for Battered Women : *Law, Material Resources and Poor Women of Color*, In *Domestic Violence at the Margins* (eds. Natalie J. Sokoloff), Rutgers University Press, 2007.

Multi-Media:

- Femicide: The Killing of Women and Girls: A Video about the femicide taking place in Ciudad Juarez, Mexico. In Ciudad Juarez, Mexico, over 450 women have been brutally murdered and over 600 have gone missing since 1993, in what constitutes one of the most brutal impacts of global capitalism at the U.S. Mexico Border: the misogynist and racist attack on women migrants from the South of Mexico and Central America, who make up the urban reserve of wage labor of the maquiladora industry.

<http://citizen.nfb.ca/femicide-killing-women-and-girls>

- With Love and Grief: The Femicide List is a record of women and children murdered in Canada. In Vancouver a group of women created Marker of Change, a national women's monument.

<http://citizen.nfb.ca/global-womens-memorial>

- CopWatch, Documentary Short ; 8 min – From Media Matters Film Fest. :

<http://www.mediathatmattersfest.org/3/index.php?id=7#> :

A video on a Berkeley based CopWatch initiative.

www.copwatch.org

- Channel 3 News Video: A woman is arrested and forced to undergo a body search after having been assaulted on the street in Ohio. This video highlights the « Double Jeopardy » of interpersonal and state violence targeting women in a patriarchal society:

<http://www.youtube.com/watch?v=8bX3d1pdNpU>

1) 15 ans après le geste terroriste de l'École Polytechnique, la violence sexiste continue...

par Martin Dufresne , 1er décembre 2004

Dans un travail de sensibilisation populaire et de confrontation des pouvoirs établis, le Collectif masculin contre le sexisme recense les noms et résume les circonstances des incidents où des femmes et des enfants ont été tué-es par des hommes (ou des inconnus) au Québec depuis le massacre perpétré par un antiféministe à l'École Polytechnique de Montréal, le 6 décembre 1989. Nous faisons ce travail depuis maintenant onze ans.

Nous n'utilisons que les données publiées et donc disponibles en bibliothèque, en nous en tenant aux éléments qui permettent de rappeler le nom et l'identité des protagonistes de ces drames et la dynamique qui a mené au meurtre. Sans un tel travail, nous croyons que ces traces seraient immédiatement oubliées par tous sauf par les proches des victimes.

Nous faisons ce travail pour qu'une prise de conscience collective de l'ampleur du désastre sexiste amène une levée de boucliers contre le laxisme de notre société à l'égard des privilèges masculins, dont celui de s'en prendre à une conjointe, surtout à l'occasion d'une séparation. Si le fait de rappeler ces crimes et leur contexte pouvait éviter ne serait-ce qu'une tuerie de plus, est-ce que cela n'en vaudrait pas la peine ? Notre affiche est apposée au mur de dizaines de maisons d'hébergement au Québec. Ce tragique décompte les aide à jauger les risques réels auxquels leur conjoint les expose. J'ose croire que cette liste a pu sauver des vies et justifier de saines colères.

Martin Dufresne
Secrétaire
Collectif masculin contre le sexisme

"Où que ce soit au monde, s'il n'y a pas de noms, il n'y a pas de mort-es." (Laura Bonaparte, une des Mères de la Place de Mai, en Argentine)

**DES FEMMES ET ENFANTS TUÉES PAR DES HOMMES, AU QUÉBEC,
DEPUIS LE 6 DÉCEMBRE 1989**

Ada Burns, Aïda El-Tomi, Agnes McCormick-McKenzie, Ai Ny Cai, Albina Arbour Cloutier, *Alex Maheux-Royer*, Alexandra McBride, *Alexandre Blanchette*, *Alexandre Riendeau*, Alice Benoît, Alice Lépine-Reeves, Alicia Moses, Aline Dubé, Aline Robidoux, Aline Taylor-Francoeur, Aloma Potvin, *Alonzo Ortiz*, Amanda Huard, Ana Maria Solinas Norbaak, *Anastasia Siméon*, Andréa Gagné, Andrée Gagné, Andrée Halpin, *Andréanne Tremblay*, Andrée Guénette, *Angel Laskaris*, Angela Moreau, Anita Lelièvre, Ann Lyons, Ann Tuyet Nguen, Anna Marden, Anna Yarnold, Anna-Maria Codina-Leva, Anne Brissette, Anne Laurin, Anne-Lisa Cefali, **Anne-Marie Edward**, **Anne-Marie Lemay**, Anne-Marie Morin, Anne-Marie Sharpe, Annette Wilson, Annick Babin, *Annick Gravel*, Annie Dominique-Normandin, Annie Lapointe, **Annie St-Arneault**, **Annie Turcotte**, *Anthony Lefebvre-Richer*, Antoinette Asselin, Antonia Cantin, *Ashley Pluviose*, *Audrey Danjou-Chrétien*, *Audrey Dubé*, Audrey-Ève Charron, *Audrey Martin*, *Audrey Paquet*, *Aurélie Grimoux*, Aurore Tremblay (2), *Aylin Olanagarcia*, **Barbara Daigneault**, Barbara Erhardt, **Barbara Maria Kluznick**, Bee-Leei Meng, *Béatrice De Montigny*, Béatrice Lavoie, Béatrice Thibodeau, *Benoît Marceau*, Beruhi Leylekoglu, Berta Dimidjan, Berthe Hardy-Blanchette, *Bianca Caron*, Binh-Khieu-Thanh Tran, Bitha Mengo Munsu, Blandine Simoneau-Girard, Bonnie Dagenais, Born Samphorn, *Brejnev Lee Maynard*, Brigitte Gagné, Brigitte St-Germain, Calliope Vournous, Carmel Louisjeune, Carmen Lagueux, Carmie Jeannot, Carmina Rivas, Carole Bienvenue, Carole Blanchette, Carole Boisvert, Carole Lachapelle, Carole Martin, Carole Rajotte, Carolle Deschamps, Caroline Guimond, Caroline Landry, Caroline Laniel, Caroline Poulin, Caroline Veilleux, Carrie Dolores Mancuso, Carrie-Ann Larocque, *Catherine Dansereau*, Catherine Morin, Cathy Brooks, Cathy Caretta, Cécile Clément, Cécile Roy, *Cédric Alexandre-Scott*, *Cédric Bourgeois-Cadieux*, Céline Fréchette, Céline Lemieux-Letendre, Céline Letellier, Céline Pearson, Céline Saint-Amant, Chantal Brière, Chantal Brochu, Chantal Coutu, Chantal Lavoie, Chantal Tremblay, Chantale Gervais, Charlene McFarlane, *Charles Gagné*, *Charles Tremblay*, Chien Chin Wong, *Christian Girard*, Christiane Asselin, Christiane Boucher, Christiane Maurice, *Christina Deladurantaye*, Christina Mitriou, *Christina Palasanu*, *Christine Baillargeon*, *Christine Dallaire-Labelle*, Christine De Grandmont, Christine Deslauriers, Christine Dubé, Christine Leclerc, *Christine Lessard*, *Christine Speich*, Christine Tremblay, *Christophe-Emmanuel Robinson*, *Chrystelle Lavigne-Gagnon*, Cindy Bouchard, *Cindy Faucher*, Claire Lafrenière, Claire Ouellet-Bourgault, Claire Samson, Claude Ferron, Claude Julien, Claude Lecours, Claudette Archambault-Perron, Claudette Frenière, Claudette Servant, *Claudia De Montigny*, Claudia Drouin, Claudine Breault, Claudine Caron, Clothilde d'Auteuil-Quimper, Colette Harnois, Colette Julien, Colette Rondeau, Cristobalina Vasquez, Cynthia Crichlow, *Daniel Desrochers*, Danielle André, Danielle Boucher, Danielle Dufour, Danielle Falardeau, Danielle Guilbault, Danielle Laplante, Danielle Provost, Danny Deschamps, *Dany Fleurant*, *David Guillet*, *David Prieur-Santerre*, Deborah Ann Rothmann, *Deilia Tautu*, Delima Kopeau, Denise Charron, Denise Duquette, Denise Martel, Denise Rybicki, *Diana Tautu*, Diane Bergeron, Diane

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Julie Beauvais, Julie Boisvenu, Julie Gendron, *Julie Labonne*, Julie Marcil, *Justin Bauer*, *Justin Langlois*, Juthlande Pierre, Kamalmatie Mulidhar-Janack, Karen Margaret Ann Lewis, Karina Janveau, Karine Gaudreault, *Karine Hamel*, *Karine Pagé*, Karyn Hicks, Kathryn Hannan, Kathy Rioux, Katti Blouin, *Kevin Stringer*, Kelly Ann Drummond, Kelly-Lynn Fitzpatrick, *Kim Parent*, Kristina Blain, Lai "Josephine" Wah, Laorina Adriansen, Laurette Jarry, Laurette Roy, *Laurin Lirette*, *Laurie Fréchette*, Leila Arbaoui, *Leila El-Tomi*, Léonie Hanscom-Dubé, Lijuan Wang, Liliane De Montigny, Lina Charron, Lina Stinziani, Linda Borden, Linda Condo, Linda Lafrance, Line Laforce, Lise Beaudoin, Lise Bélisle, Lise Bourgeois, Lise Brisebois, Lise Cossette, Lise Desmarais, Lise Hardy, Lise Laporte, Lise Papineau, Lise Phaneuf, Lise Raymond, Lise Roberge-Beaudoin, Lise Verreault-Bélanger, Lisette Boucher, Lorraine Bourgeois, Lorraine Keogh, Lorraine Pelletier, Louana Charles, Louise Campbell, Louise Chaput, Louise De Prater, Louise Dubreuil, Louise Ellis, Louise Fleury, Louise Héroux, Louise Gagnon, Louise Lessard-Piché, Louise Macenat, Louise Pageau, Louise Plante-Ouellet, Louise Prieur-Santerre, Louise Ruel, Louiselle Caron, Louise Laflamme, Lucette Boily, Lucette Mageau-Casey, Lucie Brousseau, Lucie Castonguay, Lucie Dionne, Lucie Gélinas, Lucille Gignac-Gélinas, Lucille Morin, *Ludovic Giasson*, Luis *Antonio Ortiz*, Lyane Breault, Lydia Enaruiluk, Lyne Saint-Onge, Lyne Villeneuve, Lynn Labonté, Manon Dubé, Manon Hamel, Manon Leblanc, Manon Lécuyer, Manon Paquin, Manon Trottier, *Manuel Pouw*, *Marc Falardeau*, *Marc-Alexandre Chartrand*, Margaret Anglin, Marguerite Boka, Marguerite Landry, Marguerite Montreuil, Marguerite Paris-Beauregard, Maria Gallo-Dubé, Maria Susette Lamos, Marie Bourdeau, Marie Clermont-Bazzarelli, Marie Lemay, Marie-Anne Bouffard, Marie-Berthe Marcotte, *Marie-Chantale Desjardins*, *Marie-Claude Côté*, Marie-Claire Pothier, *Marie-Eve Larivière*, Marie-France Foucault, Marie-Ghislaine Charles, *Marie-Hélène Dubé*, Marie-Jimcia Augustin, Marie-Josée Champagne, Marie-Paule Foucault, Marie-Paule Gagné, *Marie-Pier Gauthier*, *Marie-Pier Joly*, Marielle Michaud, Marielle Villeneuve, Mariette Giroux, Mariette Lacombe, *Marilu Ortiz*, Marlene Hogue, Marthe Beaulieu, Martine Auger, Martine Lefebvre, Martine Scotto, *Marwan Harb*, Mary Begg, Mary Glenn, Maryse Charron, Maryse Côté, **Maryse Laganière**, **Maryse Leclair**, Maryse Levac, *Matthew Collins*, *Matthieu McDonald*, Maud Bélair, **Maud Haviernick**, *Maxime Ayotte-McPhee*, *Maxime Raymond*, *Maxime Giasson Saint-Hilaire*, Mélanie Cabay, Mélanie Messier, *Melina Laskaris*, Mélissa Williski, Mercedes Castellanos, Mercedes Boudu, *Michael Paquette*, *Michael-Stéphane Jolin*, *Michel Perreault*, Michèle Bernard, Michèle Blais, **Michèle Richard**, Micheline-Ange Charest, Micheline Bond, Micheline Cuerrier, Micheline Denis, Micheline Dufault, Micheline Grégoire-Denis, Micheline Lacharité, Micheline Lapierre, Micheline Leblanc, Micheline Sévigny, Michelle Rhéaume, *Mikael McDonald*, Mikaela Tautu, Milia Abrar, Mina Brascoupé-Jérôme, Ming Hung Ha, Minnie Kenuajuak, Mireille Bélanger, Mireille Bruneau, *Moïra Fortin*, Monique Gaudreau, Monique Gravel, Monique Saint-Germain, Monique Stocker, Monique Woods, Mylène Marceau, *Myriam Chrétien*, Myriam Valois, Nadège Châtelain, Nadia Fera Panarello, *Nadia Marion*, Nancy Guimond, Nancy Lebreux, Nancy Martins, Nancy Ouellette, Nancy Potvin, Nancy West, Natacha Desbiens, Natacha Genovesi, *Natalia Masiak*, *Natasha Alexandre-Scott*, Nathalie Beauregard, Nathalie Boutin, Nathalie Champigny, Nathalie Chassy, **Nathalie Croteau**, Nathalie Dallaire, *Nathalie Dumont*, *Nathalie Jolicoeur*, Nathalie Lévesque, Nathalie Rouleau, Nazia Chahen, Nelly Bobishe,

Nicky Robinson, *Nicolas Maloney*, Nicole Abi-Natted, Nicole Bloomer, Nicole Desgagnés, Nicole Dubuc, Nicole François, Nicole Lacombe Rocheleau, Nicole Morrissette, Nicole Sassoon, Nicole Tremblay, Nora Guité-Bujold, Nuran Demirel Keser, Odette Dugas, Odette Pinard, Olivette Dupont-Baril, *Pascal Poulin*, Pascale Lemaire, *Pascale Thomas*, Patricia Shandroo, Paula Laviolette, Pauline Berthiaume-Bouthillette, Pauline Boulet-Bellegarde, Pauline Bourrelle, Pauline Duval, Pauline Saint-Vincent, Pearl Lamarre-Rushford, *Pierre-Luc Michaud*, *Pierre-Luc Rioux*, Pierrette Charrette, Pierrette Faucher, Pierrette Garceau, Pierrette Pelletier, Pierrette Plouffe-Guénette, Pierrette Vaillancourt-Péladeau, *Priscilla Décarie-Rondeau*, Rachel Marcoux, Raymonde Poulin-Lapointe, Reine Lauzière-Pagé, *René Lauzon*, Rhéa Landry-Carufel, Rita Houde-Marchand, Rita Tookalook, Roberte Ménard-Dunn, Rollande Asselin-Beaucage, Rollande Vincent-Rinfret, Rosa del Carmen Yanez Cartagena, Rose Daigle, *Rose Kaitak*, Rose Lagacé, Rose-Anne Blackned, Rosilda Houle, Roxan Charbonneau, Ruby Ann Poucachiche, *Sacha Vallée*, Samara Foucault, *Samuel Desormeaux*, *Samuel Shawn*, *Samuel Thompson*, Sandra Gaudet, *Santino d'Intino*, *Sarah Dutil-Coculuzzi*, Sarah Gagnon, *Scott MacCormack*, *Sébastien Fugues*, *Seneca Lapointe*, *Shade Durand*, Shanmatie Dookie, *Shaun Birch*, Sidney Normandin, *Skyler Hallock-Marchand*, Solange Bérubé-Guay, Solange Lelièvre, **Sonia Pelletier**, Sonia Raymond, Sophie Champagne, Sophie Gervais, *Stéphane Dion*, *Stéphane Guimond*, *Stéphane Houle*, Stéphanie Ladouceur, *Stephanie Pierpaolie*, *Steve Trudel*, *Steven Sirois*, *Steven Valentine*, Sun Ok Hu, Suzanne Bédard, Suzanne Bergeron, Suzanne Chiquelho, Suzanne Grondin, Suzanne Jodoin, Suzanne Lecours, Sylvia Branco, Sylvie Boucher, Sylvie Chauvin, Sylvie Cyr, Sylvie Lefebvre, Sylvie Mireault, Sylvie Richard, Sylvie Saint-Onge, Sylvie Samson, Sylvie Théorêt, Sylvie Tétreault, Sylvie Viau, *Talin Leylekoglu*, Tamara Shaikh, Tanya Buschman, Tanya Melzer, *Tanya Pinette*, *Tara Manning*, Teresinha Ng, Theresa Shanahan Litzak, Theresa Luca, Thérèse Brière, Thérèse Gélinas, Thérèse Labelle, Thérèse Riel, Thong Van Luangduangsuthidej, Tina Diaz, Tina Laposta, *Tobbie Turbide*, *Tommy St-Germain*, *Travis Paris*, Tricia Shelen Pillingy, Tsao Chih Pan, Tung Than Nueng, Valérie Aubin, Véronique Lalonde, *Vicky Michaud*, Vicky Parent, *Vicky Paquet*, *Vicky Roy*, Victoire Cossette, Victoria Debes Ghazal, *Victor Lemay*, Virginia Pacuraru, Viviane Simoneau, *Wesley Bauer*, *Widad El-Tomi*, *Wildrine Julien*, *William Lavallée*, Yanne Cornu-Poirier, Yolande Perron, Youlia Ermenlieva, Yvette Charbonneau-Bonneau, Yvette Groleau-Gariépy, Yvette Latulippe, Yvette Martin-Chouinard, Yvonne Arseneault, Yvonne Bédard, Yvonne Duchesne et Yvrose Guilloux, *Zacharie Hallé*, au

En tout, 595 femmes tuées en 15 ans au Québec par un partenaire actuel ou récent, par un client ou un souteneur, par un fils ou par un violeur, par des cambrioleurs ou par un antiféministe armé ; 172 jeunes et enfants assassinés-es par un père, un beau-père ou un prédateur sexuel. Et encore ne s'agit-il que des victimes dont le corps a été retrouvé et le nom publié. Nous parlons de crimes commis par des hommes en tant qu'hommes parce que le moteur de la presque-totalité de ces crimes est une "virilité" factice, pétrie de volonté de pouvoir et de contrôle, où le meurtre apparaît clairement comme un geste délibéré, annoncé, terroriste et propriétaire, protégé par une culture et un appareil judiciaires profondément sexistes. Ce massacre continuera tant que nous n'aurons pas mis fin aux privilèges masculins que cette violence délibérée sert à préserver en tenant en respect toutes les femmes.

2) De bourreau à victime; de victime à criminelle

Un homme violent bénéficie de la clémence de la cour et réussit même à faire condamner sa victime

Brian Myles ; Le Devoir
Édition du vendredi 15 février 2008

Une femme séropositive victime de violence conjugale a été reconnue coupable d'agression sexuelle et de voies de fait graves contre son ex-conjoint, hier à Longueuil, pour avoir omis de lui signaler son état lors de leur première relation sexuelle. L'homme s'en est tiré avec une absolution inconditionnelle pour ses coups de poing.

Infectée. Violentée. Reconnue criminelle. D. C. est triplement victime. Elle a contracté le VIH de son défunt mari dans des circonstances pathétiques en 1991. En 2000, son cœur se remet à battre pour un certain J.-L. P. Lors de leur première relation, elle omet de lui dire qu'elle est séropositive, ce qu'elle finit par révéler quand la relation devient sérieuse. Après quatre ans de vie commune, c'est la rupture. J.-L. P. est envahissant, violent même. À la fin de 2004, il bat sévèrement D. C. et casse même le poignet du jeune fils de celle-ci lors d'une altercation.

La justice s'empare de son cas. J.-L. P. est reconnu coupable de voies de fait graves. Mais tout juste avant les discussions sur sa sentence, il porte plainte à son tour contre D. C. au sujet de leur première relation sexuelle. Le juge ne voit pas d'un bon œil le comportement de D. C. et accorde l'absolution inconditionnelle à l'ex-conjoint violent en 2005.

«Ce verdict donne raison à un conjoint violent qui, on le voit, tente de se venger. Le système judiciaire se laisse encore avoir par les stratégies des agresseurs. La violence conjugale est encore mal comprise, excusée, minimisée», déplore Louise Riendeau, coordonnatrice au Regroupement provincial des maisons d'hébergement et de transition pour femmes victimes de violence conjugale.

Quant à D. C., elle a dû subir un procès pour agression sexuelle et voies de fait graves, bien que J.-L. P. n'ait jamais contracté le VIH. Dans sa décision rendue hier, le juge Marc Bisson ne prête aucune crédibilité à D. C., qui jure avoir utilisé un condom lors de cette fameuse relation inaugurale. Le juge Bisson conclut qu'il s'agissait au contraire d'une relation non protégée. Selon les enseignements de la Cour suprême, D. C. avait l'obligation de révéler son statut séropositif à J.-L. P. dans de telles circonstances. Comme elle ne l'a pas fait, son acte est considéré comme une fraude qui annule le consentement donné par J.-L. P.

Et voilà les rôles d'agresseur et de victime complètement inversés. D. C. risque maintenant de se retrouver en prison. Son avocat, Noël Saint-Pierre, a cependant l'intention de porter la cause en appel.

La Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA) estime qu'il s'agit d'un cas flagrant de «criminalisation» d'une personne atteinte du VIH. L'ONUSIDA a d'ailleurs exprimé ses préoccupations face aux poursuites intentées contre les porteurs du VIH, qui ont pour effet de miner les efforts de prévention et de dépistage. La COCQ-SIDA estime que le droit pénal n'est pas une réponse appropriée pour un problème de santé publique. La coalition réclame un moratoire sur des poursuites de ce genre, de même qu'un programme de formation pour les juges et les avocats.

3) PAMELA JEAN GEORGE , aged 28, of the Sakimay First Nation

(Found face down in a ditch West of Regina on the morning of April 18, 1995)

The 28-year-old mother of two was the victim of a tragic and violent homicide. Steven Tyler Kummerfield, 20 years old, and Alexander Dennis Ternowetsky, 19 years old, were charged with first degree murder in her death.

According to Kummerfield's testimony, he and Ternowetsky met in the evening of April 17, 1995 for drinks. They first shared a nearly full 40-ounce bottle of Southern Comfort. After 11 p.m., they picked up a 12-pack of high alcohol beer from a downtown beer outlet.

While Kummerfield testified that their only plan was to drink that evening, they did look for a prostitute. With Ternowetsky in the trunk, Kummerfield picked up Pamela George and drove out on a gravel road to a spot near the airport.

Kummerfield then let Ternowetsky out of the trunk. At this time, Pamela George started to scream and tried to escape. The two men caught her and returned her to the car where, according to Kummerfield, they had oral sex. They then proceeded to beat her.

Dr Modesto Escanlar, who testified for the Crown, described her injuries as being consistent with blows from a blunt object. He stated that the beating gave Pamela George a broken nose, swollen eyes and hand, cuts on her face and lips and numerous bruises that covered her upper body especially her head.

On April 19, 1995, Tyler Stuart, a friend of Kummerfield, asked him what he had done the night before. Stuart says that Kummerfield replied,

"Not much. We drove around, got drunk and killed this chick."

Under cross examination, Stuart qualified the statement by saying,

"I think we killed her."

He also testified that Kummerfield told him they threatened to kill Pamela George if she refused to have sex with them.

Stuart also related a telephone call from Ternowetsky and said his friend told him, "She deserved it. She was an Indian." In a later telephone call, Ternowetsky told him "he was real drunk and couldn't remember a lot of it."

After the testimony of almost 30 witnesses, Mr Justice Ted Malone, of the Court of Queen's Bench told the all-white jury it would be "very dangerous' to convict Kummerfield and Ternowetsky of first degree murder.

He also told them to bear in mind that Pamela "indeed was a prostitute" when considering if she consented to having sex with the accused.

The jury returned a guilty verdict to the lesser charge of manslaughter.

Public reaction to the verdict was swift and widespread. A coalition of Regina-based women's groups filed a formal complaint against Mr. Justice Malone to the Canadian Judicial Council for the inappropriate comments during his charge to the jury. The National Action Committee on the Status of Women said the judge's remarks "dehumanized women and trivialized the murder".

Blaine Favel, Chief of the Federation of Saskatchewan Indian Nations, called the verdict "one of the most unjust in Saskatchewan judicial history".

In an open viewpoint in the Saskatoon Star Phoenix (February 7, 1997) Chief Favel wrote, "There have been over 20 major justice studies over the past 15 years, including one in Saskatchewan in 1993, which have all come to the same conclusion. First Nations people experience racism and systemic discrimination in the criminal justice system both as accused and victim. In the Pamela George case, we have seen little respect for Aboriginal persons. First Nations will not have respect for the justice system until it is changed."

December 6, 2000

In December 1996, Steven Kummerfield and Alex Ternowetsky were convicted by jury of manslaughter for the murder and sentenced to 6¹/₂ years each by Justice Ted Malone. Judge Malone instructed the jury to remember that George was "indeed a prostitute," when considering whether she consented to the sexual assault. The issue of consent was important in determining whether the young men should be convicted of manslaughter rather than first-degree murder. Ternowetsky hid in the trunk of the car when they picked Pam George up, so that she wouldn't know that there were two of them. She was beaten so badly that her family couldn't open the casket for her funeral. The manslaughter conviction was appealed by Crown prosecutor Matt Miazga.

Kummerfield was paroled November 10, 2000, after serving just under four years in New Brunswick, because officials feared for his safety in a Saskatchewan prison where there is a large Native population. He is now living in a half-way house in Vancouver

Ternowetsky was granted day parole in August, 2000. He was returned to prison in 2002 for violence against his current girlfriend.

-- adapted from "*Missing Native Women*"
<http://www.missingnativewomen.ca/>

4) What You Need To Know About Prisons

The INCITE! Collective

It is time to question the "get tough on crime" policies advocated by policy makers and elected officials, and popularized by the mainstream media which call for the expansion system and law enforcement apparatus as the solution to the so-called "crime" problem in the U.S.

While the expansion of prisons and law enforcement are supposed to help curb crime, in fact increased incarcerations rates have not historically nor in the present had a significant impact on crime rates. In fact unemployment rates are more closely correlated with crime rates than are rates of incarceration. While legislators claim they are stopping "violent" crime; in fact 89 percent of those in prison are there for non-violent offenses primarily drug offenses. And even the majority of so-called "violent criminals" are not a danger to society. For instance a woman who is married to man who commits a violent offense that she has no knowledge of can be convicted of murder and hence considered a "violent criminal" even though she had committed no violence. Most murderers in fact, could be released from prison without endangering the public safety. Thus despite the hype of the explosion of crime rates, the crime rate has actually remained more-or-less constant over the past 20 years, despite the mass expansion of the prison system.

Prisons are a very costly, oppressive and ultimately ineffective way to deal with problems of crime. It costs more money to send a person to person for a year than to Harvard University for a year.

The ultimate impact of prisons is not to stop crime, but to serve as a weapon of population control against poor communities and communities of color. The US imprisons per capita more people than all the countries in the world - one in every 130 people will serve time in prison in their lifetime.

Communities of color are disproportionately impacted by the prison system. American Indians are the most incarcerated racial/ethnic group per capita. Blacks are 8.5 times more likely and Latinos are 3.9 times more likely to go to prison than are White people. One in three African American men will serve time in prison. Six of every ten juveniles in federal custody are American Indian. Two-thirds of women in prison are women of color.

Prisons serve to disguise the economic hardships of these communities because prisoners are not included in unemployment statistics. They then serve to exacerbate these problems within the same communities. In addition, when prisoners are relocated to prisons outside of their community, they are counted in the populations of the prisons when the state allocates its resources by population. Thus, the imprisonment of mass numbers of people of color leads to the draining of resources from communities of color to the primarily white rural areas where prisons are located.

The 13th Amendment expressly permits the slavery of prisoners. Uncompensated prison labor is a multimillion dollar industry. A large percentage of the goods and services we receive are the result of prison labor. Prison labor then undercuts unionized labor, forcing more people out of jobs and into poverty and thus more vulnerable to committing crimes of poverty. Companies that profit from exploitation of prison labor include: TWA, McDonald's, Compaq, Texas Instruments, Sprint, Microsoft, MCI, Victoria's Secret, IBM, Toys R Us, AT&T, Eddie Bauer, Nordstrom, Honeywell, Lexus, and Revlon.

Public funds are diverted directly from public education and social services to prison construction. Since education is one of the more effective preventatives of future incarceration, essentially some youth are being tracked toward higher education and others are being tracked into prison. In 1992 there were more Black men in prison than in college.

Prisoners become seen as non-persons, deserving of any type of abuse or enslavement. Eighty percent of experimental drugs are tried on prisoners. Women in prison are routinely sexually abused with no recourse for justice. Prisoners lack adequate nutrition, medical care, much less do they receive anything rehabilitative. The denial of media access to prisons ensure that this abuse continues unnoticed by the public.

Three out of four women in prison are mothers who routinely lose custody of their children while in prison. Eighty percent of imprisoned women have children and of those, 70% are single mothers. When men of color are imprisoned they too are prevented from fulfilling familial responsibilities and thus prisons effectively prevent communities of color from raising physically and psychologically healthy children.

Since 1980, the female inmate population has increased by more than 500 percent. Eighty percent of women in prison are there for violent crimes. Prisons also constitute a form of patriarchal social control over women. Women are routinely imprisoned if they fight back against abusive partners; if they are involved with men engaged in criminal behavior even if they are not (and they often get tougher sentences than do their partners); if they are substance abusers while pregnant (while at the same time they are denied services for their addictions), and if they do not fit patriarchally-inscribed roles for women. Forty percent of women in prison for homicide are there because they killed abusive partners, and the majority of juveniles in prison for murder are there because they murdered an abusive parent. Women in prison are punished for behaviors that men are not - such as engaging in "unladylike" behavior. Women who do not fit these patriarchal roles within prison are often subjected to a range of "cures" and are kept in prison longer than men until they are deemed "cured."

The underlying causes of crime are:

1. Increased poverty which forces people into crimes of poverty and substance abuse related crimes coupled with the cutting of funds for public education and social services.
2. Disruption of community stability by a capitalist economy which depends on a mobile work force.
3. Prisons themselves - When individuals violate social norms, prisons take them further away from society, making it even more difficult for them to fit in later after they are released. Prisons provide little job skills, treatment facilities, etc., that address the reasons why individuals became imprisoned in the first place. Once an individual has a prison record, it is much for difficult for her/him to get a job, thus s/he becomes forced to support her/himself through extralegal means.

Clearly, we need to develop alternatives to incarceration that deal with the root causes of crime.

-- From: *INCITE! Women of Colour Against Violence*

<http://www.incite-national.org/involve/orgkit.html>

5) Critical Resistance - Incite Statement Gender Violence and the Prison Industrial Complex

We call social justice movements to develop strategies and analysis that address both state AND interpersonal violence, particularly violence against women. Currently, activists/movements that address state violence (such as anti-prison, anti-police brutality groups) often work in isolation from activists/movements that address domestic and sexual violence. The result is that women of color, who suffer disproportionately from both state and interpersonal violence, have become marginalized within these movements. It is critical that we develop responses to gender violence that do not depend on a sexist, racist, classist, and homophobic criminal justice system. It is also important that we develop strategies that challenge the criminal justice system and that also provide safety for survivors of sexual and domestic violence. To live violence free-lives, we must develop holistic strategies for addressing violence that speak to the intersection of all forms of oppression.

The anti-violence movement has been critically important in breaking the silence around violence against women and providing much-needed services to survivors. However, the mainstream anti-violence movement has increasingly relied on the criminal justice system as the front-line approach toward ending violence against women of color. It is important to assess the impact of this strategy.

- 1) Law enforcement approaches to violence against women MAY deter some acts of violence in the short term. However, as an overall strategy for ending violence, criminalization has not worked. In fact, the overall impact of mandatory arrests laws for domestic violence have led to decreases in the number of battered women who kill their partners in self-defense, but they have not led to a decrease in the number of batterers who kill their partners. Thus, the law protects batterers more than it protects survivors.
- 2) The criminalization approach has also brought many women into conflict with the law, particularly women of color, poor women, lesbians, sex workers, immigrant women, women with disabilities, and other marginalized women. For instance, under mandatory arrest laws, there have been numerous incidents where police officers called to domestic incidents have arrested the woman who is being battered. Many undocumented women have reported cases of sexual and domestic violence, only to find themselves deported. A tough law and order agenda also leads to long punitive sentences for women convicted of killing their batterers. Finally, when public funding is channeled into policing and prisons, budget cuts for social programs, including women's shelters, welfare and public housing are the inevitable side effect. These cutbacks leave women less able to escape violent relationships.
- 3) Prisons don't work. Despite an exponential increase in the number of men in prisons, women are not any safer, and the rates of sexual assault and domestic violence have not decreased. In calling for greater police responses to and harsher sentences for perpetrators of gender violence, the anti-violence movement has fueled the proliferation of prisons

which now lock up more people per capita in the U.S. than any other country. During the past fifteen years, the numbers of women, especially women of color in prison has skyrocketed. Prisons also inflict violence on the growing numbers of women behind bars. Slashing, suicide, the proliferation of HIV, strip searches, medical neglect and rape of prisoners has largely been ignored by anti-violence activists. The criminal justice system, an institution of violence, domination, and control, has increased the level of violence in society.

4) The reliance on state funding to support anti-violence programs has increased the professionalization of the anti-violence movement and alienated it from its community-organizing, social justice roots. Such reliance has isolated the anti-violence movement from other social justice movements that seek to eradicate state violence, such that it acts in conflict rather than in collaboration with these movements.

5) The reliance on the criminal justice system has taken power away from women's ability to organize collectively to stop violence and has invested this power within the state. The result is that women who seek redress in the criminal justice system feel disempowered and alienated. It has also promoted an individualistic approach toward ending violence such that the only way people think they can intervene in stopping violence is to call the police. This reliance has shifted our focus from developing ways communities can collectively respond to violence.

In recent years, the mainstream anti-prison movement has called important attention to the negative impact of criminalization and the build-up of the prison industrial complex. Because activists who seek to reverse the tide of mass incarceration and criminalization of poor communities and communities of color have not always centered gender and sexuality in their analysis or organizing, we have not always responded adequately to the needs of survivors of domestic and sexual violence.

1) Prison and police accountability activists have generally organized around and conceptualized men of color as the primary victims of state violence. Women prisoners and victims of police brutality have been made invisible by a focus on the war on our brothers and sons. It has failed to consider how women are affected as severely by state violence as men. The plight of women who are raped by INS officers or prison guards, for instance, has not received sufficient attention. In addition, women carry the burden of caring for extended family when family and community members are criminalized and warehoused. Several organizations have been established to advocate for women prisoners; however, these groups have been frequently marginalized within the mainstream anti-prison movement.

2) The anti-prison movement has not addressed strategies for addressing the rampant forms of violence women face in their everyday lives, including street harassment, sexual harassment at work, rape, and intimate partner abuse. Until these strategies are developed, many women will feel shortchanged by the movement. In addition, by not seeking alliances with the anti-violence movement, the anti-prison movement has sent the

message that it is possible to liberate communities without seeking the well-being and safety of women.

3) The anti-prison movement has failed to sufficiently organize around the forms of state violence faced by LGBTI communities. LGBTI street youth and trans people in general are particularly vulnerable to police brutality and criminalization. LGBTI prisoners are denied basic human rights such as family visits from same sex partners, and same sex consensual relationships in prison are policed and punished.

4) While prison abolitionists have correctly pointed out that rapists and serial murderers comprise a small number of the prison population, we have not answered the question of how these cases should be addressed. The inability to answer the question is interpreted by many anti-violence activists as a lack of concern for the safety of women

5) The various alternatives to incarceration that have been developed by anti-prison activists have generally failed to provide sufficient mechanism for safety and accountability for survivors of sexual and domestic violence. These alternatives often rely on a romanticized notion of communities, which have yet to demonstrate their commitment and ability to keep women and children safe or seriously address the sexism and homophobia that is deeply embedded within them.

We call on social justice movements concerned with ending violence in all its forms to:

1) Develop community-based responses to violence that do not rely on the criminal justice system AND which have mechanisms that ensure safety and accountability for survivors of sexual and domestic violence. Transformative practices emerging from local communities should be documented and disseminated to promote collective responses to violence..

2) Critically assess the impact of state funding on social justice organizations and develop alternative fundraising strategies to support these organizations. Develop collective fundraising and organizing strategies for anti-prison and anti-violence organizations. Develop strategies and analysis that specifically target state forms of sexual violence.

3) Make connections between interpersonal violence, the violence inflicted by domestic state institutions (such as prisons, detention centers, mental hospitals, and child protective services), and international violence (such as war, military base prostitution, and nuclear testing).

4) Develop an analysis and strategies to end violence that do not isolate individual acts of violence (either committed by the state or individuals) from their larger contexts. These strategies must address how entire communities of all genders are affected in multiple ways by both state violence and interpersonal gender violence. Battered women prisoners represent an intersection of state and interpersonal violence and as such provide and opportunity for both movements to build coalitions and joint struggles.

- 5) Put poor/working class women of color in the center of their analysis, organizing practices, and leadership development. Recognize the role of economic oppression, welfare "reform," and attacks on women workers' rights in increasing women's vulnerability to all forms of violence and locate anti-violence and anti-prison activism alongside efforts to transform the capitalist economic system.
- 6) Center stories of state violence committed against women of color in our organizing efforts.
- 7) Oppose legislative change that promotes prison expansion, criminalization of poor communities and communities of color and thus state violence against women of color, even if these changes also incorporate measure to support victims of interpersonal gender violence.
- 8) Promote holistic political education at the everyday level within our communities, specifically how sexual violence helps reproduce the colonial, racist, capitalist, heterosexist, and patriarchal society we live in as well as how state violence produces interpersonal violence within communities.
- 9) Develop strategies for mobilizing against sexism and homophobia WITHIN our communities in order to keep women safe.
- 10) Challenge men of color and all men in social justice movements to take particular responsibility to address and organize around gender violence in their communities as a primary strategy for addressing violence and colonialism. We challenge men to address how their own histories of victimization have hindered their ability to establish gender justice in their communities.
- 11) Link struggles for personal transformation and healing with struggles for social justice.

We seek to build movements that not only end violence, but that create a society based on radical freedom, mutual accountability, and passionate reciprocity. In this society, safety and security will not be premised on violence or the threat of violence; it will be based on a collective commitment to guaranteeing the survival and care of all peoples.

-- *INCITE! and Critical Resistance*, 2003.

6) Travailleuses du sexe, pénalisation et prison en France

Lara Peyret, Hiver 2005

On peut dire que la situation des travailleuses du sexe en France n'a jamais été synonyme de tranquillité. Ce qu'elles viennent figurer en tant que femmes par leur position transgressive dans l'espace social les a éloignées de leurs droits les plus fondamentaux et n'a jamais cessé de leur attirer les foudres des politiques et des législateurs.

On peut aussi dire aujourd'hui que leur situation s'est considérablement aggravée depuis deux ans. Les arrêtés municipaux pris à l'encontre des travailleuses du sexe dans certaines municipalités, même socialistes, à partir d'août 2002, puis la mise en application de la loi sur la Sécurité intérieure ont déclenché la spirale infernale de la criminalisation de celles qui, considérées jusqu'alors comme des victimes, deviennent en plus des délinquantes.

Le régime français abolitionniste envisageait depuis 1946 les travailleuses du sexe comme de "pauvres femmes prostituées contre leur bon vouloir qu'il faut réinsérer". Aujourd'hui, la prostitution n'est pas interdite par la loi en tant qu'activité privée, néanmoins sa manifestation publique, le racolage actif comme passif, est puni de deux mois d'emprisonnement et de 3.750 Euro (6.053\$) d'amende.

De leur place désignée de victimes incapables d'autodétermination, elles passent à celle, tout aussi inconfortable et stigmatisante, de délinquantes punies par la loi pour faire publiquement ce qu'il est toujours acceptable de faire en aparté. Là où cette situation est d'autant plus remarquable, c'est que la loi ne va pas s'appliquer de la même façon pour toutes... En effet, les travailleuses du sexe migrantes vont être les premières et les plus touchées par cette loi. Il convient de rappeler que dans ses intentions premières, cette loi se devait de mettre en œuvre les conditions nécessaires au "démantèlement de réseaux transnationaux de prostitution", dans le souci de la protection des femmes victimes de trafic. Que nenni!!! On peut déjà dresser le bilan catastrophique de ces deux dernières années durant lesquelles très peu de proxénètes ont été arrêtés et pour cause, la légalisation de la délation n'ayant pas fonctionné comme prévu, vu les risques encourus par les femmes! Par contre, les commissariats de police n'ont pas désemplis.

On compte à ce jour, pour la ville de Lyon, environ 300 gardes à vue de travailleuses du sexe, majoritairement migrantes, depuis la mise en application de la loi, sur la seule agglomération lyonnaise. Une trentaine sont passées en procès. Mais il est important de faire remarquer qu'avant d'être mises en garde à vue, elles sont d'abord rappelées à la loi, intimidées, menacées, harcelées. Si très peu finalement ont écopé de prison ferme, il n'en demeure pas moins que la menace plane lourdement au-dessus des têtes et crée un climat de stress et d'inquiétude permanent sur les trottoirs.

Les conditions de détention lors des gardes à vue méritent elles aussi d'être rendues publiques, car c'est un espace de plus où les droits des personnes sont bafoués. Les

femmes restent parfois plusieurs heures ou jours sans pouvoir manger ou accéder aux toilettes, sans avoir la possibilité de rencontrer un médecin ou de bénéficier de soins ou de traitements dont elles ont besoin. Lorsqu'elles demandent que soit contacté l'avocat qui pourrait suivre leur affaire, dans nombre de cas, celui-ci n'est pas averti.

Les abus de pouvoir des forces de l'ordre à l'égard des travailleuses du sexe sont donc quotidiens depuis la pénalisation. Les travailleuses du sexe sont aujourd'hui encore rarement incarcérées en France pour racolage, mais elles le sont parfois pour proxénétisme ou complicité de proxénétisme. En effet, les lois contre le proxénétisme ou l'aide à la prostitution sont nombreuses et peuvent concerner à peu près toutes les personnes ayant des liens avec les prostituées. Si ces lois étaient peu appliquées [depuis les luttes des prostituées en 1975](#), elles redeviennent le plus sûr moyen d'enfermer les travailleuses du sexe là où la loi sur le racolage n'y parvient pas encore... Par exemple, des femmes travaillant en camionnette ont été inculpées pour avoir prêté leur camionnette à des collègues, ce qui est reconnu par la loi comme du proxénétisme.

Aujourd'hui en France, la politique de tolérance zéro à l'encontre de toutes les personnes considérées comme dangereuses pour l'ordre social et moral est menée ouvertement et avec acharnement. Les prostituées comme bien d'autres sont jugées indésirables et leurs activités perçues comme intolérables. La réponse sociétale actuelle est de les cacher et de les enfermer, que ce soit par le biais des centres de rétention, des expulsions ou des incarcérations. La pression qui pèse sur les travailleuses du sexe est d'ores et déjà considérable, néanmoins nous savons que nous n'en sommes qu'aux prémices des effets des politiques sécuritaires.

Lara Peyret, hiver 2005

-- *Extrait de ConStellation, 2005.*

7) Examples of Grassroots models for fighting gender violence:

* North America:

- New York based Institute on Violence :
 - Focuses on violence experienced by Black Women in central Harlem.
 - In addition to strengthening residents and community organizations to respond to violence against women, this initiative uses the idea of a Community Police Council.

- Asian Women's Shelter in California and Dimmock Community Health center in Boston:
 - Aims at building structures of accountability for batterers.
 - Uses a Community circle model
 - Basic philosophy : Crime is redefined as “harm”, and “harm” is addressed to victim and community.

- Communities Against Rape and Abuse (CARA) in Seattle:
 - Developing interventions that address state violence and interpersonal violence simultaneously.
 - Organizes around the issue of prison abolition from an anti-violence perspective, recognizing the history of survivors of violence.

- Sista II Sista in Brooklyn:
 - Initiative crated in response to the murder of two young women by police in Brooklyn in the summer of 2000.
 - Sisters Liberated Ground Initiative: Community accountability program that organizes young women of colour to monitor violence in the community without relying upon the police.

- Friends Are Reaching Out (FAROut) in Seattle:
 - Works with queer and LGBT communities of colour.
 - Aknowledges the homophobia entrenched in the criminal justice system.

*Global South:

- Masum, Women's Organization in Pune, India
 - Aims at creating accountability strategies without relying on the state.
 - Organizes community members to actively intervene in domestic violence cases through nonviolent, direct action tactics.
 - Masum simultaneously provides necessary community services such as health care, microcredit and education.

- Movimento dos Trabalhadores Rurais Sem Terra – Movement of Landless People (MST), Brazil
 - Creates structures of accountability to address domestic violence on the reclaimed pieces of land, using mixed-gender “security teams” and community assemblies to discuss domestic violence.

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