

TED演讲者: Laura L. Dunn | 劳拉 L · 邓恩

演讲标题: It's time for the law to protect victims of gender violence | 是时候通过法律去保护性别暴力受害者了

内容概要: To make accountability the norm after gender violence in the United States, we need to change tactics, says victims' rights attorney and TED Fellow Laura L. Dunn. Instead of going institution by institution, fighting for reform, we need to go to the Constitution and finally pass the Equal Rights Amendment, which would require states to address gender inequality and violence. By ushering in sweeping change, Dunn says, "our legal system can become a system of justice, and #MeToo can finally become 'no more.'"

要让美国的性别暴力责任得到追究, 我们需要改变策略, 受害者权益律师和TED伙伴劳拉 L · 邓恩指出。与其在一个又一个机构中呼吁变革, 我们更需要诉诸宪法, 通过平等权利修正案来要求州政府解决性别歧视和暴力问题。通过这个彻底的改变, 邓恩指出: “我们的司法体系就可以成为一个公正的体系, 而 '我也是' 最后就会变成 '不再有'。 ”

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Throughout the United States, there is growing social **awareness** that sexual violence and **harassment** are far too common **occurrences** within our various institutions -- **occurrences** often without any **accountability**.

美国上下,越来越多的人意识到 性暴力和性骚扰在我们的各个组织中 发生得实在过于普遍了。 这些行为却常常没有受到任何追究。 [00:13]

As a result, the Me Too movement is upon us, and survivors everywhere are speaking out to demand change.

于是, “我也是 (Me Too)” 这个运动诞生了。各地的受害者都在 大声疾呼,要求改变现状。 [00:27]

Students have **rallied** against **sexual assault** on campus. Service members have demanded Congress reform the **military**, and workers **ranging** from Hollywood stars to janitorial staff have called out sexual harassment in the **workplace**.

学生们在校园集会反对性侵犯, [00:32]
服役人员要求国会改革军队, 从好莱坞明星到门卫的工作人员, 都在大声揭露办公场所的性骚扰。 [00:35]

This is a **tipping** point.

这是一个转折点。 [00:47]

This is when a social movement can create lasting legal change.

这是一个社会运动创造 持久法律变革的时候。 [00:49]

awareness: n.意识;认识;明白;知道 **harassment**: n.骚扰;烦恼 **occurrences**: n.发生;出现;事件;发现 **accountability**: n.有义务;有责任;可说明性 **As a result**: 结果 **rallied**: vi.团结;重整;恢复;(网球等)连续对打/vt.团结;集合;恢复健康;力量等/n.集会;回复;公路赛车会 **sexual assault**: 性侵犯;性暴行 **military**: adj.军事的; 军人的; 适于战争的/n.军队; 军人 **ranging**: n.排列;测距修正/v.移动;排列(range的ing形式);分类 **workplace**: n.工作场所;车间 **tipping**: n.倾卸台/adj.倾翻的;倾卸的/v.使倾斜;轻拍;踮起脚走(tip的ing形式)

But only if we switch **tactics**.

但前提是我们改变策略。 [00:53]

Instead of going institution by institution, fighting for reform, it's time to go to the Constitution.

不要再通过一个又一个机构 去争取变革, 是时候诉诸于宪法了。 [00:56]

As it stands, the US Constitution **denies** fundamental **protections** to victims of **gender** violence such as sexual assault, intimate partner violence and stalking.

就目前的情况看,美国宪法并没有对 性侵犯,亲密伴侣暴力和骚扰 等性别暴力行为的受害者 提供基本保护。 [01:04]

Specifically, the **Fourteenth Amendment** of the Constitution, which **prohibits** state governments from **abusing** its citizens, does not require state governments to **intervene** when private parties abuse its citizens.

尤其是宪法第十四条修正案, 旨在禁止政府滥用权力, 不要求州政府干涉 在私人团体中发生的, 虐待其成员的行为。 [01:14]

So what does that mean in real life?

那么这在现实中意味着什么? [01:27]

That means that when a woman calls the police from her home, afraid that an **intruder** may attack her, she is not **entitled** to the state's protection.

这意味着当一个女性在家中报警, 担忧入侵者将要攻击她时, 她没有资格得到国家保护。 [01:30]

tactics: n.策略;战术;用兵学 **denies**: 否认/拒绝 **protections**: n.保护(protection的复数);保护动作 **gender**: n.性;性别;性交/vt.生(过去式gendered,过去分词gendered,现在分词gendering,第三人称单数genders,形容词genderless) **Fourteenth**: adj.第十四的;第十四个的/n.第十四;月的第十四日;四分之一/num.第十四 **Amendment**: n.修正案;改善;改正 **prohibits**: vt.阻止;禁止 **abusing**: 虐待/滥用/侮辱/辱骂 **intervene**: vi.干涉;调停;插入 **intruder**: n.入侵者;干扰者;妨碍者 **entitled**: adj.有资格的;给与名称的/v.给...权利;给...定书名;授...以荣誉(entitle的过去分词)

Not only can the police fail to respond, but she will be left without any legal **remedy** if **preventable** harm occurs as a result.

不仅警方无法做出回应, 甚至当可预防的伤害发生后, 她也不受任何法律保护。 [01:40]

How can this be?

为什么会这样? [01:49]

It is because the state, **theoretically**, acts **on behalf of** all citizens **collectively**, not any one citizen **individually**.

这是因为国家,在理论上 代表全民的共同利益, 而非针对每一个个体。 [01:50]

The **resulting constitutional flaw** directly **contradicts** international law, which requires **nation-states** to intervene

由此产生的宪法缺陷 直接违背了国际法。 国际法要求国家干预 和保护公民免受 亲密伴侣的性别暴

and protect citizens against gender violence by private parties as a human right.	力, 这是一项人权。[02:00]
Instead of requiring intervention , our Constitution leaves discretion -- discretion that states have used to discriminate systemically to deny countless victims any remedy.	不干预也罢, 我们的宪法还留下了 自由裁量权——使得州政府习惯了系统性歧视, 去否决无数受害者的任何补救措施。[02:13]
remedy : vt.补救; 治疗; 纠正/n.补救; 治疗; 赔偿 preventable : adj.可预防的;可阻止的;可防止的 theoretically : adv.理论上;理论上 on behalf of : 代表;为了 collectively : adv.共同地,全体地 individually : adv.个别地,单独地 resulting : adj.作为结果的/v.致使(result的ing形式);产生 constitutional : adj.宪法的;本质的;体质上的;保健的/n.保健散步;保健运动 flaw : n.瑕疵,缺点;一阵狂风;短暂的风暴;裂缝,裂纹/v.使生裂缝,使有裂纹;使无效;使有缺陷/vi.生裂缝;变的有缺陷 contradicts : vt.反驳;否定;与...矛盾;与...抵触/vi.反驳;否认;发生矛盾 nation-states : n.民族国家,单一民族国家(nation-state的复数形式) intervention : n.介入;调停;妨碍 discretion : n.自由裁量权;谨慎;判断力;判定;考虑周到 discriminate : vt.歧视;区别;辨别/vi.区别;辨别 systemically : 全身的/系统的/影响全身的/影响身体某系统(尤指神经系统的) countless : adj.无数的;数不尽的	
Unlike what you may have seen on "Law & Order: SVU,"	跟你们在《法律与秩序:特殊受害者》中看到的不一样,[02:24]
justice is rare for victims of gender violence.	正义很少降临到 性别暴力受害者身上。[02:28]
And even in those rare cases where law enforcement has chosen to act, victims have no rights during the resulting criminal process.	即便在极少数的案子中, 执法部门已经选择采取行动, 受害者在刑事诉讼过程中 也没有任何权利。[02:31]
You see, victims are not parties in a criminal case. Rather, they are witnesses; their bodies, evidence.	你看,受害者并不是 刑事案件的当事人。[02:40] 相反,它们是证人, 他们的身体,是证据。[02:43]
The prosecution does not represent the interests of a victim. Rather, the prosecution represents the interests of the state.	控方不代表受害人的利益,[02:47] 相反,控方代表着国家的利益。[02:52]
And the state has the discretion to dismiss criminal charges, enter lax plea deals and otherwise remove a victim's voice from the process, because again,	国家有权撤销刑事指控, 进入宽松的认罪协议, 还会从过程中 移除受害者的声音。 又是因为[02:56]
a state theoretically represents the interests of all citizens collectively and not any one citizen individually.	国家理论上代表全体公民的利益, 而非每一个个体公民的利益。[03:06]
Despite this constitutional flaw, some victims of gender violence have found protections under federal Civil Rights statutes , such as Title IX.	尽管存在这一宪法缺陷, 有部分性别暴力的受害者在联邦民权法规中 找到过保护措施, 比如美国教育法 第九修正案 (Title IX) 。[03:16]
enforcement : n.执行,实施;强制 prosecution : n.起诉,检举;进行;经营 statutes : n.议会立法,章程(statute复数形式)	
Title IX is not just about sports.	第九修正案不仅是关于体育运动的,[03:24]
Rather, it prohibits all forms of sex discrimination , including sexual violence and harassment within educational programs that accept federal funding.	它更是禁止了一切形式的性别歧视, 包括在接受联邦资助的 教育项目中的 性暴力和性骚扰。[03:26]
While initially targeting sex discrimination within admissions , Title IX has actually evolved over time to require educational institutions to intervene and address gender violence when committed by certain parties,	最初这个法律的目标 是针对招生性别歧视, 但第九修正案慢慢演变成 要求教育机构对特定群体的 性别暴力问题 进行干预并解决,[03:35]
such as when teachers, students or campus visitors commit sexual assault or harassment.	比如老师,学生或 校园访客实施的性侵犯 或性骚扰。[03:48]
So what this means is that through Title IX, those who seek access to education are protected against gender violence in a way that otherwise does not exist under the law.	所以这意味着通过第九修正案, 那些正接受教育的人受到了 不受性别暴力侵害的保护, 以一种除此之外 则不受法律管辖的方式。[03:54]
It is Title IX that requires educational institutions to take reports of gender violence seriously, or to suffer liability .	第九修正案要求教育机构认真对待 性别暴力报告, 或者承担责任。[04:05]
And through campus-level proceedings , Title IX goes so far as to give victims equitable rights during the campus process, which means that victims can represent their own interests during proceedings, rather than relying on educational institutions to do so.	通过校园层级的诉讼, 第九修正案目前赋予了在校受害者 公平的权利, 这意味着受害者可以在诉讼过程中 代表他们自己的利益, 而不需要依赖教育机构。[04:14]
discrimination : n.歧视; 区别, 辨别; 识别力 initially : adv.最初, 首先; 开头 admissions : n.许可;承认;入会费;入场券(admission的复数形式) in a way : 在某种程度上;有点儿;十分激动 suffer : vt.遭受; 忍受; 经历/vi.遭受, 忍受; 受痛苦; 经验; 受损害/ liability : n.责任; 债务; 倾向; 可能性; 不利因素 proceedings : n.诉讼; 行动(proceeding的复数形式); 会议记录; 议程 so far as : 只要;就...而言;在...范围内 equitable : adj.公平的,公正的;平衡法的 rather than : 而不是;宁可...也不愿 relying : v.依赖;信任;指望(rely的ing形式)	
And that's really important, because educational institutions have historically swept gender violence under the rug, much like our criminal justice system does today.	这真的非常重要。 因为教育机构过去 掩盖性别暴力的历史 劣迹斑斑, 跟我们今天的刑事司法系统一样。[04:29]
So while Civil Rights protects some victims, we should want to protect all victims.	所以虽然公民权利 保护了一些受害者, 我们还应该去保护所有的受害者。[04:40]
Rather than going institution by institution, fighting for reform on campus, in the military, in the workplace, it's time	不要再通过一个又一个组织, 在校园、在军队、在工作场所争取改革。 是时候诉诸于宪法, 通过平等

to go to the Constitution and pass the Equal Rights Amendment.	权利修正案了。[04:45]
Originally proposed in 1923, the Equal Rights Amendment would guarantee gender equality under the law, and much like Title IX on campus, that constitutional amendment could require states to intervene and address gender violence as a prohibitive form of sex discrimination.	最初于1923年提出的 平等权利修正案, 将保证法律规定的性别平等。跟校园里的第九修正案类似, 宪法修正案可要求各州进行干预, 解决性别暴力问题, 将其作为一种 禁止性别歧视的方式。[04:57]
While the Equal Rights Amendment did not pass in the 1970s, it actually came within three states of doing so.	在20世纪70年代, 平等权利修正案没有通过时, 它实际在三个州内是有实行的。[05:14]
And within the last year, at least one of those states has ratified the amendment, because we live in different political times.	在过去的一年里, 至少其中一个州 已经批准了该修正案, 因为我们生活在不同的政治时代。[05:20]
historically: adv.历史上地;从历史观点上说 swept: v.扫除(sweep的过去式和过去分词)/adj.扫频的 proposed: adj.被提议的;所推荐的/v.提议;计划(propose的过去式和过去分词) prohibitive: adj.禁止的,禁止性的;抑制的;(费用,价格等)过高的;类同禁止的 ratified: adj.批准的/vt.批准(ratify的过去式)	
From the Women's March to the Me Too movement, we have the growing political will of the people necessary to create lasting, legal change.	从妇女游行到 “我也是” 运动, 我们有越来越多的政治意愿 去创造持久的法律变革。[05:29]
So as a victims' rights attorney fighting to increase the prospect of justice for survivors across the country and as a survivor myself,	所以作为一名受害者权益律师, 为全国各地的幸存者 争取正义的前景, 同时也作为一个幸存者, [05:37]
I'm not here to say, "Time's Up."	我在这里不是要说: “时间到了” 。[05:46]
I'm here to say, "It's time."	我想说的是: “是时候了” 。[05:48]
It's time for accountability to become the norm after gender violence.	性别暴力之后,现在是 把追究责任正常化的时候了。[05:51]
It's time to pass the Equal Rights Amendment, so that our legal system can become a system of justice, and #MeToo can finally become "no more."	是时候通过平等权利修正案了。 这样我们的法律体系就可以 成为一个公正的体系, 而 “我也是” 最后就会变成 “不再有” 。[05:54]
Thank you.	谢谢。[06:06]
(Applause)	(鼓掌) [06:07]

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