

# Information Guide for Sexual Assault Victims

3<sup>rd</sup> edition





**TABLE DE CONCERTATION  
SUR LES AGRESSIONS  
À CARACTÈRE SEXUEL  
DE MONTRÉAL**

This guide was prepared by the *Table de concertation sur les agressions à caractère sexuel de Montréal*, an association of regional organizations dedicated to promoting the cause of sexual assault victims. The project involved the participation of all members of the TCACSM.

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# Preface

If you are a victim of sexual assault, this guide is for you.

The information it contains will be useful for you and for your family and friends, whether the sexual assault occurred recently or a number of years ago.

This guide is intended for all adults and adolescents 14 years of age and over, regardless of their ethnic or cultural origin, religion, sex, gender, identity or sexual orientation. It is also intended for persons with physical, sensory or intellectual disabilities or mental health disorders.

The guide provides information on:

- the definitions and various forms of sexual assault
- myths and prejudices surrounding sexual assault
- statistics on the victims and perpetrators of sexual assault
- the possible effects of a sexual assault
- deciding to talk about a sexual assault
- the role of family and friends
- assistance available to victims of sexual assault: medico-social, psychological and other services
- the law and the judicial process.

Any use of the feminine gender in this document in no way excludes male victims of sexual assault.

# What is a sexual assault?

A sexual assault is an act of a sexual nature, whether or not it involves physical contact, carried out by an individual without the consent of the person to whom it is addressed or, in some cases, notably those involving children, by manipulation of feelings or blackmail.

It is an act that aims to impose the assailant's own desires on another person through the abuse of power, through the use of force or constraint, or through implied or explicit threats.

Sexual assault interferes with fundamental rights, notably the right to bodily security and inviolability, and to physical and psychological security.

Sexual assault can take many different forms, depending on the act itself or the degree of violence involved.

Anyone can be the victim of sexual assault during childhood, adolescence or adulthood.

Government of Quebec. *Stratégie gouvernementale pour prévenir et contrer les violences sexuelles 2016-2021* (Government strategy to prevent and counter sexual violence), Québec, 2016, p.16.

# Sexual assault may be committed by...

- a friend
- a spouse
- an acquaintance (for example, the friend of a spouse, the brother of a friend, or someone met at a social, cultural or sporting event)
- a professional whom you are consulting
- a co-worker
- an employer
- a fellow student
- a neighbour
- a family member
- a client
- a patient
- a stranger

## A sexual assailant's behaviour can include:

### **EMOTIONAL MANIPULATION**

“If you really loved me, you would do what I want you to do.”

### **PROMISES OF MATERIAL GAIN**

“If you go to bed with me, I'll buy you all the clothes you want.”

### **INTIMIDATION**

“I've been working here for a long time — who do you think they'll believe?”

### **THREATS**

“If you don't cooperate, your kids will get hurt.”  
“If you leave me, I'll post nude videos of you on Facebook.”

### **BLACKMAIL**

“Let me touch your breasts or I'll see that you lose your job.”  
“If you don't send me more nude photos, I'll have you deported.”

### **VERBAL, PHYSICAL OR PSYCHOLOGICAL VIOLENCE**

“Even if you do tell, no one will believe you.”  
“If you try to stop me, I'll hit you.”  
“If you say a word to anybody, it'll be worse next time.”



# Acts and behaviours of a sexual nature

- **Kisses** of a sexual nature
- **Touching:** breasts, thighs, buttocks, penis, vulva or anus
- **Masturbation** of the victim by the assailant and vice versa
- **Oral-Genital Contact:**
  - **fellatio:** introduction of the assailant's penis into the victim's mouth, or of the victim's penis into the assailant's mouth
  - **cunnilingus:** oral contact with female genitalia
- **Penetration:** Vaginal or anal penetration with the penis, fingers or objects.
- **Other sexual behaviour:** producing or watching pornographic material, non-consensual publication of an intimate image, etc.
- **Sexual harassment:** all forms of unwanted sexual attention or advances that cause discomfort or fear and threaten an individual's well-being and/or employment. This form of sexual assault can include looks, words, acts, touching, threats, propositions, jokes or the exhibition of pornographic material.
- **Exhibitionism:** the behaviour of an individual who displays their genitals in public.
- **Frotteurism:** the behaviour of someone who seeks physical contact with non-consenting persons in a public place. An example would be trying to rub one's sexual organs against strangers on the subway.
- **Voyeurism:** the behaviour of an individual who likes to look at the naked body or watch the intimate behaviour of another person or group of people.

These various acts and behaviours are all considered to be sexual assaults when they occur **without the consent** of the victim because they threaten an individual's physical and psychological well-being, self-image and perception of their environment.



- Kissing
- Touching
- Masturbation
- Oral-genital contact
- Penetration
- Other sexual behaviour
- Sexual harassment
- Exhibitionism
- Frotteurism
- Voyeurism

**Sexual assault is an act of violence, not one of sexual impulsiveness.**

# Myths and prejudices

The myths and prejudices surrounding victims of sexual assault are numerous and persistent.

Victims may have to deal with many forms of prejudice.



# Myths about women

Here are some of the most common myths about women:

**It is impossible to sexually assault a woman against her will.**

**FALSE**

Women do not ask to be sexually assaulted, humiliated or debased.

This myth perpetuates the idea that the woman is responsible for the assault. Sexual assailants use violence or threats, and in some cases medications, drugs or alcohol, to force compliance. Many women remain passive during an assault in order to minimize the chance of injury. It is most definitely possible to sexually assault a non-consenting woman.

---

**Women lay charges for no good reason.**

**FALSE**

According to the Canadian 2014 General Social Survey, only one out of 20 sexual assaults were reported to the police.

\* Perreault, S. "Criminal victimization in Canada, 2014." Canadian Centre for Justice Statistics, 2015, p.23-25.

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**Women's behaviour and way of dressing are a provocation to sexual assault.**

**FALSE**

One of the most frequently heard myths is that sexual assault is provoked by women's behaviour, attitude or appearance. Hitchhiking, being out late, drinking or doing drugs, dressing seductively, wanting a relationship or wanting to go home with a man—none of these behaviours should be considered a provocation or invitation to sexual assault.

# Myths about sexual assailants

Many myths also surround the nature of sexual assailants.

**Sexual assailants are strangers.**

**FALSE**

**In 85% of cases reported to the police, the assailant is known to the victim.\***

In fact, the assailant is usually someone known to the victim, someone who takes advantage of a position of trust or authority to sexually assault the victim. Generally, a sexual assailant is someone who has a life partner and the opportunity to express his sexuality actively and regularly. A sexual assailant might also be a professional such as a therapist, a doctor, a psychiatrist, a coach or a teacher.

\* Data obtained from police statistics for 2014 (updated in 2015) under the Uniform Crime Reporting Survey (UCR) provided by Public Safety Canada specifically for the purposes of this document.

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**All sexual assailants have mental health problems.**

**FALSE**

Sexual assault is not a crime of the mentally ill. Nearly 80% of victims know their alleged assailant—most of the time a member of their immediate or extended family, or an ordinary acquaintance in good mental health.

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**All men who sexually assault boys are homosexuals.**

**FALSE**

Men who sexually assault young boys are not necessarily homosexual any more than men who assault young girls are necessarily heterosexual. There are sexual assailants who have preferences as to the sex or age of their victims. Most men who sexually assault boys are heterosexual.

# Myths about children and teenagers

There are also many myths surrounding the sexual assault of children and adolescents.

**Victims always hate their assailants.**

**FALSE**

It is wrong to assume that victims always hate their assailants. In an incestuous situation, for example, the victim is torn between feelings of betrayal and love. This gives rise to intense ambivalence. Teens who are attacked by a friend with whom they have a loving relationship can also experience ambivalent feelings.

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**Children and teens who become sexually aroused or have an orgasm during a sexual assault must have consented, because they experienced pleasure.**

**FALSE**

It is possible for a male child or teen to have an erection as a result of genital stimulation, even during sexual assault. Many children and teens who are victims of sexual assault feel guilt and shame: they wrongly believe that their physical reaction must mean that they consented to the assault.

**Sexual assaults against children are an abuse of trust and power.**



**A boy who has been sexually assaulted will become a homosexual.**

**FALSE**

**Over the past several years, a growing number of men have revealed that they were sexually assaulted in their youth.**



**The child, teen or adult victim of sexual assault is not responsible for the behaviour of the attacker.**

These various myths tend to blame the victims of sexual assault and justify the behaviour of their assailants.

# Statistics

## Who are the victims of sexual assault?

- **1** woman in **3** has been the victim of at least one sexual assault from the age of 16.\*
- **1** man in **6** will be sexually assaulted over the course of his life.\*
- **67%** of victims are under 18 years of age.\*\*
- **84%** of sexual assault victims are women (of whom **54%** are girls and **30%** are adults).\*\*
- Over **75%** of First Nations girls under 18 have been sexually assaulted.\*
- **40%** of women with a physical disability will be sexually assaulted at least once during their life. \*
- **39** to **68%** of women with a mental disability will be sexually assaulted at least once before the age of 18.\*
- **1** woman in **9** has been sexually assaulted at least once by her spouse.\*\*
- Slightly more than **8** in **10** victims know their assailant.\*\*
- Close to **7** in **10** victims were sexually assaulted in a private residence.\*\*
- Only **1** out of **20** sexual assaults were reported to the police.\*\*\*\*

A sexual assailant may be a spouse, a friend, an acquaintance, a professional, a colleague, an employer, a fellow student, a neighbour, a family member, a client, a patient or a stranger.

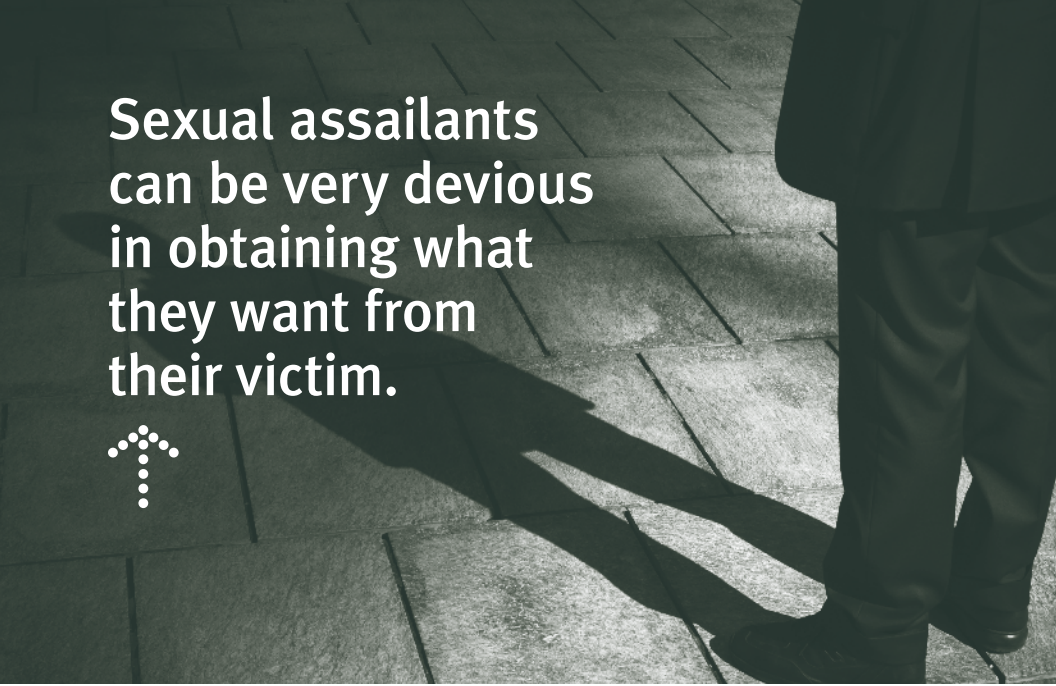


## Sexual assailants

- In **96%** of cases reported to the police, the assailant is male. In **4%** of cases, the assailant is female. \*\*\*
- **25%** of sexual assailants are under the age of 18. \*\*
- **95%** of the victims of sexual assailants under 18 were minors; the corresponding figure for adult sexual assailants is **58%**.\*\*\*

All of these statistics (pages 14 – 15) are taken from:

- \* Government of Quebec, *Orientations gouvernementales en matière d'agression sexuelle* (Action plan for the setting up of governmental guidelines in matters of sexual aggression), Québec, 2001.
- \*\* Data obtained from police statistics for 2014 (updated in 2015) under the Uniform Crime Reporting Survey (UCR) provided by Public Safety Canada specifically for the purposes of this document.
- \*\*\* Ministère de la Sécurité publique. *Infractions sexuelles au Québec : Faits saillants 2014*. Direction de la prévention et de l'organisation policière, 2016.
- \*\*\*\* Perreault, S. "Criminal victimization in Canada, 2014." Canadian Centre for Justice Statistics, 2015, p.23-25.



Sexual assailants  
can be very devious  
in obtaining what  
they want from  
their victim.



# Possible consequences for victims

If you have been the victim of a sexual assault, you may experience various reactions at different stages of your life. These effects can vary based on your age, the connection between you and the assailant, the nature of the assault, the duration and frequency of the sexual assaults, the degree of violence involved, the reactions of those around you to revelations of assault, and the help available to you.

Many people are constantly trying to deal with the effects of sexual assault, whether the assault occurred recently or in the past.



**The consequences described here may apply in your situation, regardless of your identity or sexual orientation.**

# Signs of the effects of sexual assault

Whether a sexual assault happened recently or many years ago, it has certain effects. Some of these effects are shared by a majority of victims, while others are more specific to each victim's situation.

## You may experience any of the following:

- Physical problems such as headaches, fatigue, sexually transmitted infections, unwanted pregnancy, injuries.
- Psychological problems such as sadness, depression, guilt, feelings of anger and rage, fear, low self-esteem, shame, despondency, suicidal thoughts, and self-mutilation.
- Sexual problems such as pain during sexual relations, sexual disgust, decrease in sexual desire, or hypersexuality, participation in sexual activities in exchange for money or material goods, etc.
- Difficulty in relationships with your spouse, friends and family.
- Frustration and anxiety provoked by the judicial process, the trial and court testimony.
- Economic, social or family problems: difficulty at work, rejection by your friends, a stay in a shelter or crisis centre, loss of income.
- Dependency problems: drugs, alcohol, gambling or medication.
- Eating disorders such as anorexia or bulimia.

These symptoms, which can occur over a long period of time, may begin immediately after the assault or many years later.

# Consequences of a recent sexual assault

Shortly following a sexual assault, you may experience reactions that are unique to you. Different factors can influence these reactions: your age, your personality, the form of the assault, your connection to your assailant, whether you were ever sexually assaulted as a child, the degree of violence of the assault, the reaction of those around you if you reveal or talk about the assault, and the presence of other stress factors in your life.

It is important for you to know that the short term effects do not always occur in the same order or in the same way for all victims.

The different stages described on the next page are a summary of the reactions and consequences you might experience following a sexual assault.

The short-term effects can be divided into three stages:

**1.**  
**Initial shock**

**2.**  
**Adjustment**

**3.**  
**Reintegration**

Each of these stages is associated with certain physical and psychological reactions and with certain behaviours that you may already have experienced, are currently experiencing, or may experience later.

Burgess, A W. and L. L. Holmstrom, "Rape trauma syndrome," *American Journal of Psychiatry*, 131(9), 1974, p. 981-986.

## 1. Initial shock

This stage is generally the most intense, occurring during the first few days following the sexual assault. You may feel that your life has been completely shattered.

In the hours following the sexual assault, your feelings may be very intense, ranging from depression to euphoria.

**During these first few days, you may experience the following reactions and feelings:**

- anger and aggression, often directed towards friends and family for no apparent reason
- intense fear
- shame and humiliation
- depression
- sadness
- moodiness
- feelings of being misunderstood and of being alone with your problem
- lower tolerance for situations perceived as a threat to your safety and security (not bearing to be touched, freezing if a stranger asks you the time)
- feelings of guilt for what you did (accepted an invitation, opened the door to a stranger) or did not do (didn't scream or fight back)
- feelings related to your inner self: feeling dead inside, feeling a loss of purity or integrity, or feeling tainted, like something inside you has been broken
- confusion, anxiety

**You may also have physical symptoms:**

- generalized or specific pain
- nightmares and sleep disorders
- loss of appetite, stomach pain, nausea.

Your behaviour, like your thoughts, may not follow your normal pattern. You try, without success, to ward off overwhelming and ever-present thoughts about the sexual assault you were subjected to.

You may constantly replay the assault in your mind, wondering what you could have done or said, and why you were the one assaulted.

You may no longer recognize yourself, may suffer from moodiness, or overreact. You may feel you are losing touch with reality and are no longer aware of what is happening around you during this period.

You may want to be alone, not want to go to work or see others. You want to hide, to stay in bed. You may be uneasy in group situations. You might have a strong emotional reaction to seeing people who resemble your assailant.

You may feel extremely calm and in control, preferring to hide your emotions, or you may want someone to be with you all the time.

You may want to avoid being alone and be eager to return to your normal activities as soon as possible.

During the period of initial shock, even though you are emotionally distraught, you must deal with certain practical issues. You may need to go for a medical exam, decide whether or not to report the assault to the police, recover from your physical injuries, and explain your absence from work or school, if necessary.

**Talking about what happened and getting support can help you.**



## 2. Adjustment

Little by little, you emerge from your state of shock and want to return to your normal routine. So begins the process of reorganizing your daily life. This phase generally begins a week after the sexual assault and continues for several weeks.

You feel ready to take up your usual activities. You want to forget the assault and focus on the aspects of your life that you have been neglecting. You feel relieved to be less obsessed by what happened to you. You are now ready to transfer the energy you were using to deal with your emotions to taking care of yourself. You have a less urgent need to talk about the assault and your feelings all the time. You may even tend to deny that the sexual assault is still bothering you.

Often, during this period, you may continue to have nightmares or violent dreams based on the sexual assault, with attempts to escape resulting in failure. This may change over time, however: your dreams may remain violent, but your reaction will change. For example, you may be ready to defend yourself and retaliate against your assailant.

You may be startled if someone enters the room or touches you unexpectedly.

The defining characteristic of this stage is “activity.” You’re ready to try to take charge of your own life once again so that you can feel good about yourself. You might change your telephone number, change jobs, or move away altogether. You might feel the need to get as far away as

possible, or you might want to take up your life right where you left off and get back to normal.

You may become fearful or develop phobias that may have first appeared during the initial state of shock:

- fear of remaining inside
- fear of crowds
- fear of being alone
- fear of people who look like your assailant
- fear of certain smells or other sensory stimuli, like objects, sounds, textures or places that remind you of the assault
- fear of sex

During this period, you may have difficulty returning to your usual level of functioning.

### 3. Reintegration

Now you are able to carry out your day-to-day activities. You have, for the most part, recovered your peace of mind. You may feel the need to think about the assault in order to gain insight into questions or emotions that continue to bother you. The period of reintegration may last several months.

During this time, you try to reconcile the thoughts and emotions related to the sexual assault. Frustration, anger and guilt may resurface whenever you think about it. Although you may have resolved certain aspects of the sexual assault at a rational level, certain emotional aspects may still remain.

This is a period of introspection during which you may feel very apart from others. You may feel the need to be completely alone in order to reflect on what has happened to you. You may be angry at people around you who do not seem to understand or who treat you unfairly or with indifference. You may also feel a need to talk to someone who could help you shed some light on certain points.

You might feel discouraged by the persistence of nightmares and fears, such as the fear of being alone, or an inability to enjoy sexual relations. During this period, some of the progress you have made may seem uncertain.

You may also express anger toward your assailant and maybe even toward your close friends and family. You may question some of the decisions you made when you needed to feel safe (moving in with family or friends, for example). This uncertainty arises from a need to feel free again; in fact, it is the beginning of your return to independence.

#### COURSES IN SELF-DEFENCE

Some organizations offer self-defence courses. These courses can help you reduce your fears and regain control of your life. Find out more from one of the resources for victims of sexual assault.

#### You can ask for help.

There are trained professionals who are ready to help you, and resources are available in every region.



# Consequences of revealing a childhood sexual assault

The reactions and consequences of a recent sexual assault are also experienced by people who were sexually assaulted in their childhood.

These consequences evolve over time and are unique to each victim.

If you decide to reveal a sexual assault that took place when you were a child, you may react in unexpected ways. Some victims of childhood sexual assault may spend many years feeling that the experience did not particularly mark them. When they actually reveal the assault, their reaction can be similar to those experienced by the victim of a recent sexual assault.

As an adult revealing a childhood sexual assault, you may once again feel the full effect of past emotions and long buried memories that may now resurface.

Talking about your experience and seeking assistance can help. Please see the “Medico-social and psychological assistance and other services” section on page 37 for a list of available resources.



# Male victims of sexual assault

Some men who were sexually assaulted in childhood or adolescence try to understand and analyse the situation through adult eyes.

As a child, you did not have the means to defend yourself or prevent the sexual assault.

If you felt sexual pleasure and arousal during the assault, you may believe that you actually consented to it.

All men, regardless of their age, can react physically to any form of stimulation of the penis, testicles or buttocks, and can have an erection and ejaculate. If you felt sexual pleasure, had an erection or ejaculated in the course of a sexual assault, this was simply a normal bodily reaction, not excitement signifying your consent to sexual activity.

If you were sexually assaulted by a woman during your childhood, adolescence, or adulthood, you may not even consider it sexual assault.

The assailant is female in 4% of cases.\*

Men believe that if they were sexually assaulted by a woman, it was not really a sexual assault. They sometimes perceive the event as a sexual initiation. If your assailant was a woman, it can be difficult for you to discuss in terms of an assault. You may be afraid of being judged, or of not being believed. It is important to understand that it does not matter whether your assailant was a man or a woman: if you did not consent, it was a sexual assault.

\* Ministère de la Sécurité publique, *Infractions sexuelles au Québec: Faits saillants 2014*, Direction de la prévention et de l'organisation policière, 2016.

If you were sexually assaulted by a man, you may believe you are homosexual.

You may question your own sexual orientation. Many male victims of sexual assault wrongly believe that there is something about them that attracts men, and that they must be homosexual or effeminate. This is false. Sexual assault is a statement of power and has nothing to do with attraction or seduction.



The reactions of men who are victims of sexual assault are similar to those of female victims.

Please read the section on *Consequences* on page 16.

# Adolescent victims of sexual assault

14-17  
year-olds

If you have been sexually assaulted, you may experience many of the emotions or reactions described on page 16. Every adolescent victim of sexual assault will react in their own way, however, depending on their personality, friends and family, the circumstances of the assault, and so on.

You may experience symptoms of post-traumatic stress for a certain amount of time, including nightmares, avoidance behaviour (avoiding being touched, for example) or hypervigilance (being constantly on your guard). You may want to keep your assault secret to avoid hurting the non-offending parent, for example, or to protect your sisters and brothers from the assailant. You might feel sad or irritable, view yourself in a more negative light, enjoy a certain activity less than you did before the assault, suffer from insomnia, or have trouble paying attention in class or staying focused at work.

You might feel extremely betrayed, which could affect your ability to trust others. For example, you might feel betrayed by:

- your assailant, if he or she was someone you know
- the non-offending parent or any other parental figure, if you feel they failed to protect you from the assailant
- anyone who reacted badly when you told them about the assault.

In most situations, however, it is your parents who will be your best support.

At your age, it's normal to take risks; it's part of the development process. You might feel guilty or ashamed, though, especially if you think the assault was your fault. But whatever risks you took, it was not your fault you were sexually assaulted: **it is the assailant who was at fault, no one else.**





Your reaction will probably be stronger during the first few weeks following the assault. After that, you might find it helpful to return to your daily routine in order to regain some sort of balance in your life.

You don't have to go through this alone. Don't hesitate to ask someone you trust for help, or consult the resources that are available in your area, like your school or your local CLSC. Some resources, like Tel-Jeunes or Kids Help Phone, can even offer you assistance by texting or messaging. The provincial helpline for victims of sexual assault offers telephone support and can refer you to resources in your region that can help you.

14-17  
year-olds

This section is based on:

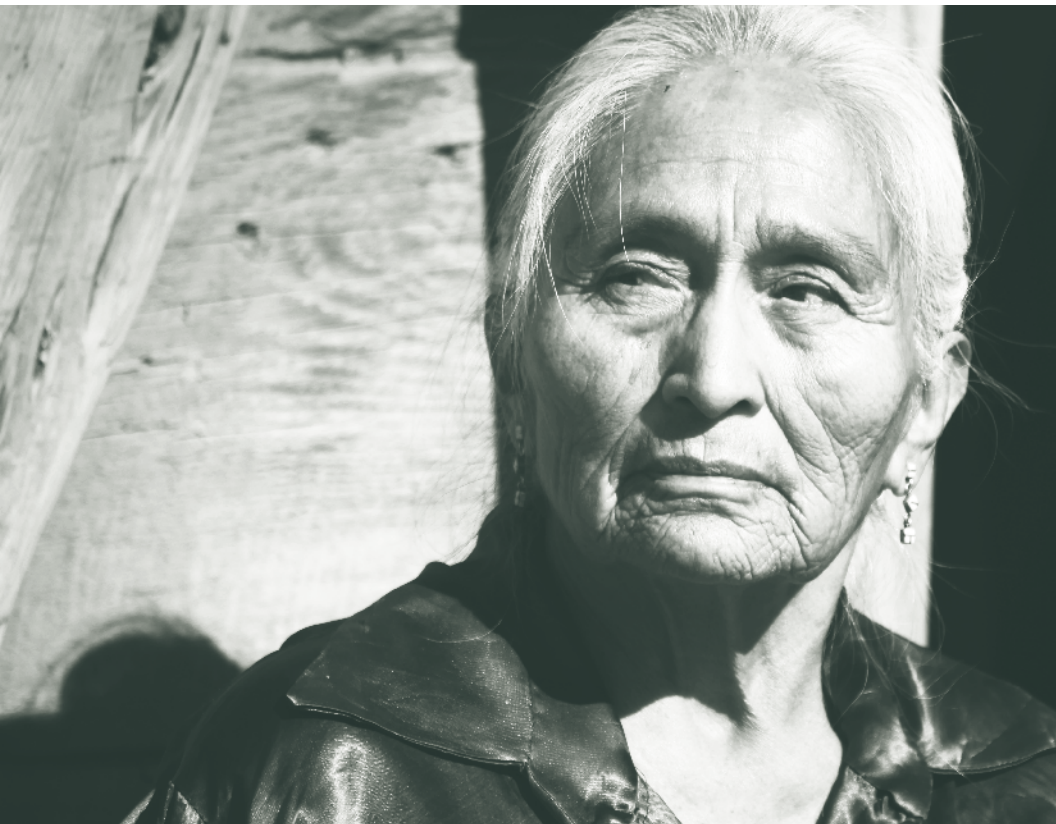
- Bélice, D., *Non c'est non*, Éditions de Mortagne, 2016, 318 p.
- Hébert, M., "Les profils et l'évaluation des enfants victimes d'agression sexuelle," in M. Hébert, M. Cyr and M. Tourigny (dir.), *L'agression sexuelle envers les enfants*, vol. 1, Montréal, Presses de l'Université du Québec, 2011, p. 149-204.

You can ask for help. Check out the information in the "Medico-social and psychological assistance and other services" section on page 37 and "Where to get help" on page 78.



# The consequences of sexual assault evolve over time, and are different for every victim.

Seeking help as soon as possible can lessen the effects and help you feel less alone.



# Sexual harassment in the workplace

Sexual harassment in the workplace is unwanted sexually oriented attention that creates discomfort or fear or threatens our well-being and/or employment.

Sexual harassment at work can take many forms:

- leering
- displaying pornographic material
- repeated comments of a sexual nature
- repeated invitations to go out
- promises to improve your working conditions if you accept the harasser's advances
- threatening or forcing you to accept the harasser's advances
- any form of sexual violence

Sexual harassment at work *does not include* friendly flirting or jokes/actions that are consensual.

## A few statistics on sexual harassment at work

- **43%** of women say they have been sexually harassed at work, as opposed to **12%** of men.\*
- Although **1** worker out of **3** will be sexually harassed at work during their professional life, very few will denounce their employer.\*
- The harasser is a male in **90%** of cases.\*\*
- **4** out of **5** victims never report the situation.\*\*
- According to a survey by Redbook magazine, **88%** of 9,000 women surveyed said they had had to deal with sexual harassment at work.\*\*\*

These statistics come from the following sources:

\* Angus Reid Institute, 2014, <http://angusreid.org/wp-content/uploads/2014/12/2014.12.05-Sexual-Harassment-at-work.pdf>

\*\* Trades Union Congress, "Still just a bit of banter? Sexual harassment in the workplace in 2016," London, 2016, [www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf](http://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf)

\*\*\* GAIHST (Help and information centre on sexual harassment in the workplace). Paper presented for the Preparation for the 3<sup>rd</sup> government action plan concerning sexual assault (*Préparation du 3e Plan d'action gouvernemental en matière d'agression sexuelle*), 2015, p.4. [http://media.wix.com/ugd/9b7de0\\_5b31ae3a3b34489c817f6ae0f7182e97.pdf](http://media.wix.com/ugd/9b7de0_5b31ae3a3b34489c817f6ae0f7182e97.pdf)



## What should you do if you think you have been/are being subjected to sexual harassment in the workplace?

- Clearly explain to the person making gestures or comments that make you uncomfortable that you are not interested and would like them to stop.
- Talk about the situation to your colleagues and/or people you trust.
- Keep a record of events: places, dates, times, actions/words, witnesses, etc.
- Contact a support group like GAIHST – *Groupe d'aide et d'information sur le harcèlement sexuel au travail de la province de Québec Inc.* (Help and information centre on sexual harassment in the workplace) that can provide you with information and support on available recourse and resources. Call 514-526-0789 or visit the group's website at [www.gaihst.qc.ca](http://www.gaihst.qc.ca).

### There are several avenues for recourse:

***Commission des normes, de l'équité, de la santé et de la sécurité au travail*** (CNESST) Labour standards, pay equity and occupational health and safety  
Tel: 1-844-838-0808 | [www.cnesst.gouv.qc.ca](http://www.cnesst.gouv.qc.ca)

***Commission des droits de la personne et des droits de la jeunesse*** (CDPDJ)  
Commission for human rights and youth rights  
Tel: 1-800-361-6477 | [www.cdpedj.qc.ca](http://www.cdpedj.qc.ca)

**Canadian Human Rights Commission** (CHRC)  
Tel: 1-888-214-1090 | [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)

**Service Canada** (employment insurance)  
Tel: 1-800-808-6352 | [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)

**Unionized employees:** If your job is covered by a collective agreement, you are required to ask your union to defend your rights.



# Deciding to talk about a sexual assault

You may be wondering,  
“Should I talk about my sexual assault?”  
“Whom should I talk to about it?”  
“What will happen if I talk about it?”

Revealing that they were sexually assaulted is not an easy decision for most victims.

There are many reasons that prevent victims from revealing a sexual assault and that can keep them silent about it for many years.

## You probably...

- are afraid of the assailant and fear reprisals
- feel that you are the only person this has ever happened to
- feel guilty
- are ashamed
- fear unpleasant remarks
- fear you will not be believed
- feel responsible for what happened
- sometimes have conflicting feelings about the assailant
- are fearful of legal proceedings
- are afraid to upset your friends and family
- are fearful of the reactions and remarks of your family, friends and colleagues

Sexual assault is a crime that is hidden and perpetuated by a code of silence.

# Choosing to break the silence

**Deciding to talk about your sexual assault can help you to:**

- overcome the shame of the secret that isolates you from others
- move forward, work through your denial, and face reality
- open the door to understanding and help
- share your experience with compassionate people who will acknowledge what happened to you
- get in touch with your emotions
- develop the tools you need to lessen the impact of sexual assault

## How do I talk about it?

When you do decide to talk about what happened to you, you are sharing a personal experience with another person. This can be a difficult process, even if you talk to someone close to you whom you trust.

Talking about sexual assault that happened to you as a child, teen, or adult, can be very difficult because it puts you in a vulnerable position.

You may be afraid that no one will believe you, or that you will not have the ability or strength to talk about what happened to you. You might also be worried that you will not be able to overcome the repercussions of the sexual assault, or that revealing it will lead to all sorts of unpleasant consequences.

You can ask for help. There are trained professionals who are ready to assist you. Please see the “Medico-social and psychological assistance and other services” section on page 37 for more information on where to get help.

## Here are a few ideas that can help you clearly express your needs.

### You need:

- to be believed and listened to
- to confirm that the emotions you are feeling are normal
- to be respected for having survived by whatever means (remember that those strategies were what enabled you to survive the sexual assault)
- to feel that the person in whom you are confiding believes in you
- to feel that you are not being judged or blamed
- to be encouraged in your search for help
- to obtain information on the healing process
- a listener who does not sympathize with or defend your assailant.

You may have other needs apart from those mentioned here. Add them to your list and express them.

Adapted from Ellen Bass and Laura Davis, *The Courage to Heal : A Guide for Women Survivors of Child Sexual Abuse*, New York, Harper & Row Publishers, 1994.

You can choose to speak to someone you trust.



# The role of close friends and family

The support of family and friends plays an important role in your healing process, whether you were sexually assaulted recently or years ago.

It is important that your friends and family members understand what can trigger a reaction in you following the sexual assault, and that they understand your needs. The people around you have to understand that there is a connection between your current difficulties and the sexual assault you experienced.

**You may wish to have your family and friends read the following:**

*Your support and understanding has an important place in the process of healing for a victim of sexual assault. It is important that you seek support, become informed and adopt attitudes that will help the victim.*

Here is some information that may help you know how to react when someone confides in you that they have been sexually assaulted.

## Harmful reactions

### Judging

Asking the victim leading questions or trying to extract details. Talking non-stop.

### Doubting

Showing scepticism, questioning what the victim has told you.

### Trivializing, minimizing, or dramatizing events

## Helpful reactions

### Listening

Listen in a non-judgmental way to what the victim has to say. Let her express herself in her own words, in her own way, and at her own pace.

### Believing

Believe what the victim says. She is the one who experienced the assault. Start by focusing on what she is saying and what she is going through.

### Accepting

Simply accept what the victim says without minimizing or dramatizing the facts, emotions or consequences. Control your own reactions so that the victim will feel free to express emotions that may be different from yours.

Harmful reactions	Helpful reactions
<p><b>Finding fault</b> Pointing out her weaknesses, what she could have said or done.</p>	<p><b>Encouraging the victim to be strong</b> Help her to feel good about what she has done right. Point out her strengths, her courage in talking about the assault.</p>
<p><b>Ignoring the issue</b> Refusing to have anything to do with the matter on the pretext that it is no concern of yours, that it is not your problem. Ignoring a request for help.</p>	<p><b>Being supportive</b> Be available to talk to or to accompany the victim. If you feel unable to help, it is important to say so, and to help find someone else who is up to the task. Make sure the person has a support network (friends and/or family) who can help.</p>
<p><b>Blaming</b> Blaming the victim for what she did not do. Acting as if she somehow provoked the assault, as if she is somehow responsible for what happened to her.</p>	<p><b>Alleviating guilt</b> Help the victim understand that it is not her fault she was sexually assaulted, that the assailant is completely responsible for his actions, and that her responsibility is to take care of herself.</p>
<p><b>Overprotecting</b> Smothering, overprotecting the victim by keeping her from going out, from seeing friends, or from sleeping away from home.</p>	<p><b>Encouraging independence</b> Be there for the victim and help her re-establish power in her own life. Give her room to breathe and help her return to her usual level of functioning.</p>
<p><b>Turning the page</b> Preventing the victim from expressing negative emotions under the pretext that it does no good to live in the past, that it is not good for her to dwell on the situation.</p>	<p><b>Acknowledging the victim's emotions</b> Help the victim to express her feelings by recognizing that her reactions, emotions and feelings (anger, resentment, guilt, low self-esteem) are normal.</p>

Excerpt from the companion guide to the video “*J’appelle pas ça de l’amour...*”, Laval University, 1994. Adapted by Chantal Dubois of CALACS-Laurentides and the 12 helpful attitudes published by RQCALACS (2015).

If you find it difficult to maintain your emotional distance when hearing about a sexual assault and what the victim has experienced, do not hesitate to seek support from a professional who specializes in helping victims of sexual assault.

You can also contact the **provincial helpline for victims of sexual assault** at **1-888-933-9007** or **514-933-9007** in the Montreal region.

**If a young person under 18 confides in you that they have been a victim of sexual assault, it is important to maintain the following helpful attitudes:\***

- Stay calm in front of the child/young person.
- Listen openly without judging the child/young person.
- Be reassuring.
- Tell the child/young person they made the right decision by telling you about their problems.
- Assure them that you believe what they are saying.
- Do not promise that you will keep the secret. To help the child/young person and make sure they receive the necessary support and protection, the Youth Protection Act stipulates that anyone who has reason to believe that a child/young person has been a victim of sexual abuse must report the situation to the Director of Youth Protection (DYP).
- Do not interrogate the child/young person unduly. Let them speak freely, in their own words. Leading questions can influence the child/young person and undermine the DYP's ability to intervene, especially in the case of very young children.
- Write down the child's words as soon as possible.

\* Source: Ministère de la santé et des services sociaux. *Filing a report with the DYP is already protecting a child – When and how to file a report?* Québec, 2016, p.13.

# Medico-social and psychological assistance and other services

## Medico-social assistance

If you were recently the victim of a sexual assault and are concerned about your general state of health or legal procedures, or need emotional support right away, it is important to know that there is a network of designated centres across all regions of Quebec that offer services for sexual assault victims 24 hours a day, seven days a week.

Usually located in hospitals, CLSCs or dispensaries, designated centres provide various medical services and psychological support to all victims of sexual assault—seniors, adults, adolescents and children. These services are provided by psychosocial counsellors, nurses and doctors, all trained in assisting victims of sexual assault.

Victims who were assaulted within the five days prior to their visit to the designated centre are seen on an emergency basis. Victims who were assaulted from six days to six months earlier are seen by appointment or on an emergency basis, depending on the designated centre in your region.

For the location of the designated centre in your region, call the provincial helpline for victims of sexual assault at 1-888-933-9007 or 514-933-9007 in the Montreal region.

## Medico-social services

- Provide support for victims and those close to them
- Assess and respond to the victim's needs
- Ensure the victim is safe
- Give information to victims and those close to them
- Reassure victims regarding their general health
- Detect and treat injuries
- Prevent unwanted pregnancy
- Detect, treat or prevent sexually transmitted or blood-borne infections (STBBIs)
- Gather evidence



A medical exam is crucial to your health and well-being, whether you decide to report the assault or not.

The team may use one of the following tools to carry out the medico-social intervention:

1

**The medico-social kit without forensic samples** is used to document the facts surrounding a sexual assault. This kit may be completed when one or more of the following conditions are met:

- The sexual assault occurred more than five days ago.
- No forensic sample is necessary, given the victim's description of the sexual assault.
- The victim does not wish to press charges and is not likely to do so in the future.



# 2

The **medico-legal kit** is used to document the facts surrounding a sexual assault and to collect evidence. This kit may be completed when all four of the following conditions are met:

- The sexual assault occurred within the past five days.
- Based on the victim's account of the assault, it may be possible to collect biological material from the assailant.
- The victim of the sexual assault has consented to the medico-legal examination.
- The victim has pressed charges with the police or is considering doing so at some point.

This kit standardizes the information gathered and samples obtained in order to provide objective scientific evidence. The purpose of these samples is to try to find biological traces of the assailant on your body or your clothing—traces such as sperm, saliva or blood. Since the success rate decreases with time, the medico-legal kit must be completed within five days of the sexual assault. **It is therefore important to get to a designated centre as soon as possible after the assault.**

In almost half of the sexual assault files analyzed at the *Laboratoire des sciences judiciaires et de médecine légale* in Montreal (Quebec's foremost forensics laboratory), the DNA obtained from biological substances has been used to establish a genetic profile connecting a suspect to a victim.\* Genetic profiles of suspects are sent to Canada's National DNA Data Bank, which looks for matches with the genetic profiles of known offenders (previously convicted of other crimes) or with genetic profiles taken from other unsolved crimes.

So, even if the victim does not know the identity of their assailant, or doesn't remember the assault, the medico-legal kit can lead to the identification of a suspect.

Toxicology screening may also be done on your blood and urine samples if you were intoxicated or have no memory of the sexual assault (or in certain other circumstances) in order to determine whether you were able to provide informed consent.

You can complete the medico-legal kit even if you have not yet decided whether or not to report the sexual assault to the police. The kit will be kept for a minimum of 14 days to give you time to make a decision. If you decide to press charges, the healthcare worker at the designated centre will give the

kit to the investigator. It will then be sent to the *Laboratoire de sciences judiciaires et de médecine légale* where specialists will conduct various analyses and prepare expert reports for the investigators. The medico-legal kit is therefore one of the forms of evidence in the police investigation.

## Medico-social intervention process at the designated centre

At most designated centres, the members of the medico-social team are on call. As soon as you arrive at the centre in your region, these professionals will be contacted to come in and meet with you.

In order to determine the best way to help you and what type of medical and medico-legal examination can be done, the medico-social team is required to ask you a few questions regarding:

- the nature of the sexual assault
- how much time has elapsed since the sexual assault
- your intention to report the sexual assault to the police or not.

## Your consent is required in all cases.

14-17  
year-olds

According to the Civil Code of Quebec, minors 14 years of age or over may accept or refuse healthcare of their own accord. Therefore, if you are 14 or over, you can benefit from the services offered by the medico-social team without the consent of your parents or legal guardian (1991, C.64, a.14, a.17).

If you are under 18: For your welfare and protection, the members of the medico-social team are required to report the sexual assault of which you were a victim to the Director of Youth Protection (DYP). To better understand this obligation to report a sexual assault and the role of the DYP, see page 49.

You will receive the support of the multidisciplinary team throughout the entire medico-social intervention. You will have the opportunity to talk, express your needs and emotions and be heard. The professionals at the centre will talk to you about certain symptoms that can arise following a sexual assault, such as nightmares, fear, insomnia, fatigue and anxiety.

Following the medical and medico-legal examinations, a staff member will support you if you decide to report the assault to the police. You will be provided with any documents needed to justify your absence from work or school or to submit a request for compensation to IVAC (go to page 46 for more information on IVAC, or crime victims' compensation). You will also be given a list of organizations that can provide assistance and support.

Before you leave, you will be told how to obtain a medical follow-up. This generally occurs a few weeks after the first meeting in order to inform you of your medical results, propose additional examinations and treatments if needed, and discuss any concerns you have about your health or prescribed medication.\*\*

A psycho-social follow-up will also be recommended in order to help you—and those close to you—deal with reactions to and consequences of sexual assault. Please refer to the “Psychological assistance” section on page 42 to learn more about available resources.

\* The information on page 39 is taken from the following study: Gingras, F. et al. “Biological and DNA evidence in 1,000 sexual assault cases.” *Forensic Science International: Genetics Supplement Series*, 2(1), 2009, p.138-140.

\*\* This information is taken from the tool entitled “*Mon aide-mémoire et outil de bien-être*,” developed by Zosia Anders in cooperation with the Montreal Sexual Assault Centre.

Medico-social assistance at a designated centre is offered to all victims of a recent sexual assault, regardless of whether they decide to report the assault to the police or not. It is recommended that you visit a centre even if you have no apparent physical injuries. You are entitled to the services offered by the centre even if you suspect you have been sexually assaulted but have no clear memory of the event (if you were intoxicated, for example).

# Psychological assistance

If you were sexually assaulted—either recently or a number of years ago—and would like to get help in overcoming the consequences of the assault, there are various resources that can help you, depending on your needs.

## Provincial helpline for victims of sexual assault: 1-888-933-9007

This information and referral helpline for sexual assault victims, their loved ones, and workers provides bilingual, toll-free and confidential assistance.

A specially trained team of women receives your call, finds out what you need, and tells you what to do next. Using a list of provincial services, they will guide you to the nearest resource for help and protection.

This toll-free line is in operation 24 hours a day, 7 days a week all across Quebec.

**For listening or referrals, call 1-888-933-9007, or 514-933-9007 in Montreal.**

## Designated centres

The various designated centres across Quebec offer psychological assistance for victims of a recent sexual assault.

To contact the designated centre nearest you, call the provincial helpline for victims of sexual assault at 1-888-933-9007 or 514-933-9007 in the Montreal region.



## Community support centres for victims of sexual abuse

These are separate, specialized community resource centres for victims of sexual assault. Many of these centres, such as the *Centres d'aide et de lutte contre les agressions à caractère sexuel* (CALACS), offer assistance specifically to women and teenage girls 14 and over, while others offer services to men and children.

### These resources can:

- offer psychosocial support to victims and help them overcome the consequences of sexual assault
- inform victims of possible forms of legal recourse
- help them regain control of their lives
- provide support and guidance throughout any process they choose to undertake (medical, legal or other)

To contact the organization nearest you, call the **provincial helpline for victims of sexual assault at 1-888-933-9007**, or visit the [www.msss.gouv.qc.ca](http://www.msss.gouv.qc.ca) website under the “Social problems / Sexual assault” tabs.

To contact a **CALACS**, call the Regroupement québécois des CALACS in Montreal at **514-529 5252**, or toll-free at **1-877-717-5252**, or visit their website at [www.rqcalacs.qc.ca](http://www.rqcalacs.qc.ca). These services are free of charge and confidential.



## CAVAC – Crime Victims Assistance Centre (*Centre d'aide aux victimes d'actes criminels*)

These centres, located all across Quebec, are non-profit organizations offering help to anyone who has been the victim of a criminal act, regardless of whether they are an adult or a minor.

The Crime Victims Assistance Centres (CAVACs) offer free services and guarantee confidentiality.

To contact your local **CAVAC**, call **1-866-532-2822**.  
You can also visit the website at **[www.cavac.qc.ca](http://www.cavac.qc.ca)**

### **The CAVACs can:**

- offer you support and a sympathetic ear as part of an intervention aimed at alleviating the consequences of victimization and helping you to continue your healing process
- provide you with information on legal procedures, your rights and possible forms of recourse
- support and accompany you in your dealings with the community, private or public sectors (including court proceedings)
- guide you to the appropriate legal, medical, social and community resources.

## Other professional services

Certain professionals (psychologists, social workers, sexologists) have received special training in working with victims of sexual assault and can help you overcome the consequences.

You have the right to choose a professional with whom you feel comfortable. To locate one in your area, contact the professional association concerned.

To contact the **professional association of Quebec psychologists** (*Ordre des psychologues du Québec*), call **1-800-363-2644** or visit their website at **[www.ordrepsy.qc.ca](http://www.ordrepsy.qc.ca)**

To contact the **professional association of Quebec social workers and couple and family therapists** (*Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec*), call **1-888-731-9420** or visit their website at **[www.otstcfq.org](http://www.otstcfq.org)**

To contact the **professional association of Quebec sexologists** (*Ordre professionnel des sexologues du Québec*), call **1-855-386-6777** or visit their website at **[www.opsq.org](http://www.opsq.org)**

To contact the **professional association of Quebec sexologists** (*Association des sexologues du Québec*), call **514-270-9289** or visit their website at **[www.associationdessexologues.com](http://www.associationdessexologues.com)**

Note that if you consult a professional in private practice, you will have to pay for his or her services.

In some cases, these professional fees may be covered by a program called Crime Victims Compensation (IVAC — *Direction de l'indemnisation des victimes d'actes criminels*), which provides compensation for victims of crime, or by your own private insurance. You can also check whether psychological help is available through the employee assistance program where you work.

# Other services

## Compensation for victims of crime

### *Direction de l'indemnisation des victimes d'actes criminels (IVAC)*

The *Direction de l'indemnisation des victimes d'actes criminels* (IVAC) is a division of the CNESST (*Commission des normes, de l'équité, de la santé et de la sécurité du travail*) that offers compensation to victims of crime based on damages incurred, offers rehabilitation services to help victims recover from the consequences of a traumatic event, and supports them during their recovery process.

If your application is accepted, various expenses will be reimbursed, including transportation, clothing, moving and lost work days. Compensation for damages incurred (physical or psychological consequences) may also be allocated if they persist after treatment. Consultation fees for psychotherapeutic follow-up may also be reimbursed by IVAC.

**In order to benefit from the advantages provided under the Crime Victims Compensation Act (*Loi sur l'indemnisation des victimes d'actes criminels* or LIVAC), the following criteria must be met:**

#### → You were the victim of a criminal act in the province of Quebec.

If the sexual assault occurred in Canada outside of Quebec, it is important to know that compensation programs similar to IVAC are offered in every province. For more information on these organizations, call the provincial helpline for victims of sexual assault at 1-888-933-9007 or 514-933-9007 in the Montreal region.

If the sexual assault occurred outside the country, assistance can be obtained from the Financial Assistance to Canadians Victimized Abroad program. For more information on this federal program, visit the Canadian Department of Justice website at: [www.canada.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/guide\\_abr-ligne\\_etr.html](http://www.canada.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/guide_abr-ligne_etr.html).

#### → The crime of which you were a victim must be included in the schedule to the Crime Victims Compensation Act, which provides the list of criminal acts—including sexual assault and incest—that are eligible for compensation under the Act.



- As of the moment you become aware of the connection between your physical or psychological injury and the criminal act of which you were a victim, **you have up to two years to submit an application for benefits in compensation for a criminal act** that occurred after May 23, 2013. In the case of a crime committed before May 23, 2013, you have one year to submit your application. Crimes committed prior to March 1, 1972 are not eligible for benefits under the Crime Victims Compensation Act. If the victim is a minor, the one- or two-year period begins when the victim turns 18.
- **If you fail to submit your application by the deadlines specified above, it is still possible to do so.** Complete *Annexe 4* of the *Demande de prestations*, explaining why you were unable to submit your application within the required period.
- **You must provide documentation providing proof of the criminal act**, as well as a document specifying the nature of the injuries caused by it. A list of documents accepted as objective proof of injury may be found on the IVAC website at [www.ivac.qc.ca](http://www.ivac.qc.ca). No document is required in the case of minor victims; the presumption of injury is sufficient in such cases.

You may submit an application for benefits whether your assailant has been recognized as guilty or not, and even if criminal proceedings have not been initiated against the assailant. If you are a minor, your application must be signed by your parents or legal guardians or, in exceptional cases, by the Director of Youth Protection.

The forms are available on the IVAC website at [www.ivac.qc.ca](http://www.ivac.qc.ca), where you will also find a guide to help you complete the forms. If you need additional assistance to complete the forms, contact any victim assistance resource, such as a designated centre, resources for sexual assault victims like CALACS (community support centres for victims of sexual abuse), or CAVAC (crime victims' assistance centre).

For more information, please call IVAC at **1-800-561-4822** or visit the website at [www.ivac.qc.ca](http://www.ivac.qc.ca).

## Private insurance

Check with your personal insurer, as some policies offer reimbursement for various psychological services.

## Employee Assistance Program

Many workplaces have employee assistance programs that usually offer psychological assistance. Check with your employer or your human resources department.

## Terminating a lease

Our home is usually the place where we feel safe and content. If this sense of security is threatened by a spouse, ex-spouse, or some other person, through conjugal or sexual violence, the Civil Code of Quebec allows you to terminate your lease by sending a notice to your landlord. Along with this notice, you must send attestation that your safety is threatened.

The law stipulates only one condition for terminating your lease: that your safety, or that of a child living with you, is threatened by:

- violence on the part of your spouse or ex-spouse, or
- a sexual assault, or the fear of a sexual assault (including by someone other than a spouse or ex-spouse).



To find out more about terminating a lease, including procedures and required forms, visit one of the following websites:

*Ministère de la Justice du Québec* at  
[www.justice.gouv.qc.ca/en/victims/domestic-violence/  
terminating-a-residential-lease-in-the-event-of-spousal-violence-  
or-sexual-aggression/](http://www.justice.gouv.qc.ca/en/victims/domestic-violence/terminating-a-residential-lease-in-the-event-of-spousal-violence-or-sexual-aggression/)

*Régie du logement* (Quebec rental board) at  
[www.rdl.gouv.qc.ca/en/resiliation-of-a-lease/spousal-violence-or-  
sexual-aggression](http://www.rdl.gouv.qc.ca/en/resiliation-of-a-lease/spousal-violence-or-sexual-aggression)

## Youth protection

If you are under 18 and have been a victim of sexual abuse\*, it is important to know that there is another organization that can help you: the Director of Youth Protection. This organization, better known as Youth Protection or DYP, is responsible for applying the terms of the Quebec Youth Protection Act (*Loi sur la protection de la jeunesse*). Since the mandate of the DYP is to determine whether your safety or development has been compromised, **its role is to protect you and work with your parents and any other important person in your life to rectify the situation and ensure it does not happen again.**

14-17  
year-olds

Your safety and development may be considered to be compromised in several situations, including abandonment, neglect, psychological abuse, sexual abuse, physical abuse and serious behaviour disorders. In situations of sexual abuse, your safety or development are considered to be at risk if:

- you are subjected to, or risk being subjected to, gestures of a sexual nature, with or without physical contact, including any form of sexual exploitation, by a parent or another person (such as a teacher, sports coach, romantic partner or other family member) and your parents do not take the necessary steps to put an end to the situation.

It can be very difficult to ask for help, especially in situations of sexual assault. So, in order to protect you and help you recover from your sexual abuse, the Youth Protection Act stipulates that anyone who is aware of a situation of sexual abuse is obligated to report it to the Director of Youth Protection as soon as possible.

This obligation to report abuse also applies to professionals in the health and social services network, including those working in designated centres, and physicians, as well as professionals who work with young people, such as teachers.

If your case is reported to the DYP, you have the right to be heard, consulted and informed at every stage of the intervention, including finding a solution. If you are 14 or over, you have the right to refuse to comply with certain DYP decisions if you do not agree with them. In such cases, however, the DYP may submit your situation to the Youth Division of the Quebec Court to obtain court-ordered protection.

\* “Sexual abuse” is the term used in the Youth Protection Act to describe sexual assault committed against young people under 18 years of age.

## If you are under 18 and have been the victim of sexual assault, you can contact the DYP or ask an adult you trust to do it for you.

There are several ways to find the telephone number of the DYP in your region:

- Consult the guide entitled “*Filing a report with the DYP is already protecting a child — When and how to file a report?*” available at: [www.publications.msss.gouv.qc.ca/msss/fichiers/2016/16-838-02A.pdf](http://www.publications.msss.gouv.qc.ca/msss/fichiers/2016/16-838-02A.pdf)
- Consult the website of the Quebec human rights and youth rights commission (*Commission des droits de la personne et des droits de la Jeunesse*) at [www.cdpdj.qc.ca/en/droits-de-la-jeunesse/Pages/DPJ.aspx](http://www.cdpdj.qc.ca/en/droits-de-la-jeunesse/Pages/DPJ.aspx)
- Consult the website of *Regroupement provincial des comités des usagers* (RPCU) at [www.rpcu.qc.ca/fr/sante-serv-soc-centres-jeunesse.aspx](http://www.rpcu.qc.ca/fr/sante-serv-soc-centres-jeunesse.aspx)
- Call the provincial helpline for victims of sexual assault at 1-888-933-9007 or 514-933-9007 in the Montreal region.

## For more information on the Director of Youth Protection and the Youth Protection Act

You can consult the following publications on the website of the ministère de la Santé et des Services sociaux at [www.publications.msss.gouv.qc.ca/msss/](http://www.publications.msss.gouv.qc.ca/msss/):

- *Filing a report with the DYP is already protecting a child — When and how to file a report?*
- *Youth Protection Act — Your child’s situation has been reported to the DYP. What do you need to know now?*

You can also consult the guide entitled “*When the victim is a minor*” in the series “*The Rights and Recourses of Victims of Crimes*” published by the *Association québécoise Plaidoyer-Victime*. Go to [www.aqpv.ca](http://www.aqpv.ca) under the “Publications” tab.

The information in this section is taken from:

- the guide entitled *Filing a report with the DYP is already protecting a child — When and how to file a report?*
- the guide entitled *Youth Protection Act — Your child’s situation has been reported to the DYP. What do you need to know now?*
- Sections 38, 39 and 39.1 of the Youth Protection Act (*Loi sur la protection de la jeunesse* – LPJ).

Regardless of the nature of the act, a sexual assault is a **CRIME** that can be reported, regardless of how much time has passed since the assault.\*

\* It is the criminal and penal prosecuting attorney (*procureur aux poursuites criminelles et pénales* or PPCP) who decides whether the assault will be treated as an “indictable offence” or a “summary conviction offence.” A summary conviction offence results in a 6-month deadline to press charges after the offence was committed.



# Legislation and the judicial process

Sexual assault is a crime in that acts or behaviour of a sexual nature have taken place without your consent. If you are under 16 years old, you cannot legally consent to sexual activity. The law stipulates that a person under the age of 16 is not competent to consent to acts of a sexual nature.

Your consent is valid only if it has been freely given. If you were paralyzed by fear or afraid to defend yourself, there was no consent on your part. Furthermore, even if you kissed or caressed someone, it does not automatically mean that you consented to other sexual acts with that person. Nobody has the right to have any type of sexual relations whatsoever with you against your will. You always have the right to say NO.

If you had no choice but to do what the assailant demanded, your consent was not freely given.

In short, the law says that a person must give her consent, through her words or through her behaviour, to any sexual act. Consent ends as soon as the person expresses lack of consent, in words or through behaviour, even if her consent was previously given.

There can be no consent if the person is not capable of consenting to sexual relations. A temporarily incapacitated person (who is unconscious or asleep, for example) cannot consent to sexual acts. A person under the influence of alcohol, drugs or medication may also be considered incapacitated if she is too intoxicated to consent to sexual activity.

This section is adapted from *Les Agressions sexuelles, Femmes et Justice, Le guide de l'usagère* published by the Sherbrooke CALACS (Centre d'aide et de lutte contre les agressions à caractère sexuel), 1995, and the Criminal Code (R.S.C. (1985), c. C-46).

If, during a struggle, you struck or injured the assailant, you will not be accused of assaulting him. In cases of assault, the law authorizes you to use the force necessary to defend yourself. This is what is known as legitimate self-defence.

The question of self-defence is always a complex issue in the case of sexual assault. Every situation is different; no one reacts in the same way. The fact that you did not resist or defend yourself does not mean that you consented to the sexual assault.

Anyone can freeze in the face of a threat, sudden danger, or the unknown. This is often the best reaction, as it can prevent injury or even save your life.

**Everybody  
has the  
right to  
say “NO.”**



## Age of consent to sexual activity

In Canada, the age of consent to sexual activity is 16 years. There are certain exceptions to this legislation, however:

- If you are under 18, your consent is not valid in the following cases:
  - if your partner is in a position of trust or authority towards you, or if you are dependent on them for care or support—for example, a teacher, coach, step-parent or other family member.
  - if your partner is exploiting you sexually. In other words, if your partner is taking advantage of your vulnerability for their own benefit other than in a situation of authority, trust or dependence. This is the case, for example, if your partner is offering you money or material goods in exchange for sexual activity with them or other people, or if they are asking you to participate in a video of a sexual nature.
- If you are 12 or 13 years old, your consent is not valid if your partner is two or more years older than you. So, if you are 12, for example, you can consent to sexual activity only if your partner is under 14.
- If you are 14 or 15, your consent is not valid if your partner is five or more years older than you. If you are 14, for example, you can consent to sexual activity only if your partner is under 19.

14-17  
year-olds

For more information on the age of consent to sexual activity, consult “Age of consent to sexual activities,” “Consent to sexual activities: Position of authority and trust,” and “Consent to sexual activities: Relationship of dependency and exploitation” under the “Consent to Sexual Activity” heading on the Éducaloi website at [www.educaloi.qc.ca](http://www.educaloi.qc.ca).



# Sections of the law that pertain to sexual assault

In the legal sense, any sexual assault is an assault as defined in Section 265 (1) of the Criminal Code.

## A person commits an assault when:

Without the consent of another person, he applies force intentionally to that other person, directly or indirectly;

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;

while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Sexual assault is an act of assault that is sexual in nature; it is an attack on a person's sexual integrity. As it does for assault, the Criminal Code defines several crimes of sexual assault (Sections 271 through 273). The **Criminal Code** also defines several crimes of a sexual nature. It is important to understand that, as society and social mores are constantly changing, so are what are recognized as sexual offences. For example, as a result of the growing popularity of social networks, the offence of *Publication, etc. of an intimate image without consent* (Section 162.1(1)) was added to the Criminal Code in 2014.

## | Sexual assault (Section 271)

Simple sexual assault causes no bodily injury, or almost none, to the victim.

## | Sexual assault with a weapon, threats to a third party or causing bodily harm (Section 272)

This type of sexual assault involves one or other of the following aggravating factors:

1. carrying, using or threatening to use a weapon or an imitation of a weapon;
2. threatening to cause bodily harm to a person other than the victim;
3. causing bodily harm to the victim;
4. being a party to the offence with any other person.

## | Aggravated sexual assault (Section 273)

This type of sexual assault involves wounding, maiming, disfiguring or endangering the life of the victim.

## | Incest (Section 155)

Every one commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, half-brother or half-sister, grandparent or grandchild, as the case may be, has sexual intercourse with that person.

## | Sexual interference (Section 151)

Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years commits sexual interference.

## I Invitation to sexual touching (Section 152)

This offence is committed by any person who, for a sexual purpose, invites, counsels or incites a person under the age of 16 years to touch, directly or indirectly, his or her own body or the body of someone else (including the body of the person who so invites, counsels or incites) with a part of the body or with an object.

## I Voyeurism (Section 162(1))

Every one commits an offence who surreptitiously observes — including by mechanical or electronic means — or makes a visual recording of a person who is in circumstances that give rise to a reasonable expectation of privacy, if

- a) the person is in a place in which a person can reasonably be expected to be nude, to expose his or her genital organs or anal region or her breasts, or to be engaged in explicit sexual activity;
- b) the person is nude, is exposing his or her genital organs or anal region or her breasts, or is engaged in explicit sexual activity, and the observation or recording is done for the purpose of observing or recording a person in such a state or engaged in such an activity; or
- c) the observation or recording is done for a sexual purpose.

### (Section 162(4))

Every one commits an offence who, knowing that a recording was obtained by the commission of an offence under subsection (1), prints, copies, publishes, distributes, circulates, sells, advertises or makes available the recording, or has the recording in his or her possession for the purpose of printing, copying, publishing, distributing, circulating, selling or advertising it or making it available.

## Publication, etc., of an intimate image without consent (Section 162.1(1))

Every one commits an offence who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image\* of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct.

\* In this section, “intimate image” means a visual recording of a person made by any means including a photographic, film or video recording,

- a) in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity;
- b) in respect of which, at the time of the recording, there were circumstances that gave rise to a reasonable expectation of privacy; and
- c) in respect of which the person depicted retains a reasonable expectation of privacy at the time the offence is committed.



## I Child pornography (Section 163.1)

### DEFINITION (Section 163.1(1))

“Child pornography” means

- a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
  - (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
  - (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
- b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
- c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
- d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

### MAKING CHILD PORNOGRAPHY (Section 163.1(2))

Every person who makes, prints, publishes or possesses for the purpose of publication any child pornography.

### DISTRIBUTION, ETC. OF CHILD PORNOGRAPHY (Section 163.1(3))

Every person who transmits, makes available, distributes, sells, advertises, imports, exports or possesses for the purpose of transmission, making available, distribution, sale, advertising or exportation any child pornography.

### POSSESSION OF CHILD PORNOGRAPHY (Section 163.1(4))

Every person who possesses child pornography.

### ACCESSING CHILD PORNOGRAPHY (Section 163.1(4.1))

Every person who accesses any child pornography.

# Offences related to sexual exploitation

## Sexual exploitation of a young person

(Section 153)

Every person who is in a position of trust or authority towards a young person\* or is a person with whom the young person is in a relationship of dependency and who:

- a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person, or
- b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.

\* Definition of “young person” — In this section, “young person” means a person 14 years of age or more but under the age of 18 years.

## Sexual exploitation of a person with a disability (Section 153.1)

Every person who is in a position of trust or authority towards a person with a mental or physical disability or who is a person with whom a person with a mental or physical disability is in a relationship of dependency and who, for a sexual purpose, counsels or incites that person to touch, without that person’s consent, his or her own body, the body of the person who so counsels or incites, or the body of any other person, directly or indirectly, with a part of the body or with an object, commits this offence.

Under Section 286.5, anyone who offers their own sexual services shall not be prosecuted for the offences listed below (Sections 286.1 through 286.4).

## Obtaining sexual services for consideration

(Section 286.1(1))

Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person is guilty of an offence.

## I Procuring (Section 286.3(1))

Everyone who procures a person to offer or provide sexual services for consideration or, for the purpose of facilitating an offence under subsection 286.1(1), recruits, holds, conceals or harbours a person who offers or provides sexual services for consideration, or exercises control, direction or influence over the movements of that person, is guilty of an offence.

## I Material benefit from sexual services

### (Section 286.2(1))

Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 286.1(1), is guilty of an offence.

\* This offence does not apply if the benefit is received under any of the following circumstances:\*\*

- a) in the context of a legitimate living arrangement, for example by a spouse, child or roommate of the person who provides the benefit;
- b) as a result of a legal or moral obligation, for example by a dependent parent of the person who provides the benefit or where a gift is purchased with the earnings of prostitution;
- c) in consideration for goods or services offered on the same terms and conditions to the general public, such as by an accountant, landlord, pharmacist or security company; and,
- d) in consideration for a good or service that is offered informally, for example by a person who provides protective or administrative services, provided that the benefit received is proportionate to the value of the good or service provided and the person who provided the service did not encourage, counsel or incite the provision of sexual services.

\*\* Minister of Justice Canada. Technical Paper: Bill C-36, *Protection of Communities and Exploited Persons Act*. 2015. [www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html](http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html)

## I Advertising sexual services (Section 286.4)

Everyone who knowingly advertises an offer to provide sexual services for consideration is guilty of an offence.

# Diagram of the judicial process



This diagram is taken from *Les Agressions sexuelles, Femmes et Justice, Le guide de l'usagère* published by the Sherbrooke CALACS (Centre d'aide et de lutte contre les agressions à caractère sexuel), 1995, page 3.



# Steps in the judicial process

What follows is a brief description of the possible steps that follow a report of sexual assault to the police.

## Laying a complaint with the police

This is the first step in the judicial process. If you decide to report the sexual assault to the police, you can call 911 or go to a police station. If you are reporting a sexual assault in a city other than where the assault occurred, an incident report will be prepared, and a district investigator will contact you at a later date to continue the investigation.

Reporting the sexual assault to the police does not automatically mean that you will have to go to court. At this stage, you can choose to either terminate or continue the process.

The incident report will be the basis of the police investigation. It is important that you make a note of the number of your incident report so that you can refer to it in future communications.

You will be asked some preliminary questions so that the police can write the report. Some examples:

- When did the sexual assault take place?
- Where did the sexual assault take place?
- Is there any possibility of recovering evidence — such as fingerprints, blood, sperm, soiled clothing?
- Is the assailant known to you?
  - If so, provide information on the assailant's whereabouts, physical description, and clothing.
  - If not, but you would be able to recognize the assailant, provide a physical description and describe what the assailant was wearing.
- Were there any witnesses?

You will be relieved to know that you can be accompanied by a person of your choice when you go to file a complaint.

At this stage in the process, many emotions may resurface. You may be afraid you will not be believed. You may be intimidated at the prospect of revealing a part of your life that is intimate and personal. You may be very hesitant to report your assailant if he is someone you know well. You may be afraid of how the people around you will react to your decision to report the sexual assault to the police. You may feel harassed by all the questions you are asked.

If you report a sexual assault to the police in Montreal, an investigator from the Sexual Assault Squad of the Montreal Police Services will meet with you.

If you live outside of Montreal, the police inquiry may be conducted by the police officer investigator responsible for this type of investigation.



## Police investigation

Following your complaint, the investigator will take charge of your file. He or she will take down your statement, as well as those of any other witnesses, in writing. The investigator will ask you to describe what happened, to give details of the acts, to describe the sexual assailant, and to give any other information considered relevant. You will be required to sign your statement.

You will then probably be asked to identify the assailant. If he is not known to you, you will be asked to try to identify him from photographs. If you are unable to identify the assailant, the file will remain open and charges may be laid later if other information becomes available. If you do know the assailant and he cannot be found, a warrant may be issued for his arrest if a criminal and penal prosecuting attorney authorizes charges to be laid against him.

There are many resources specializing in matters of sexual assault that can offer you support and guidance throughout this process. Please see the section on *Psychological assistance* on page 42.

Do not hesitate to contact the investigator for information on how the investigation is progressing, or to add information to your file.

If you receive threats from your assailant or someone associated with him, call 911 and inform your investigator.

Once your complaint has been made and the investigation has begun, if you decide to withdraw your complaint or if the investigator decides that there is insufficient evidence, the process may be terminated at this point. If the judicial process comes to a halt, you may feel angry: misunderstood, alone and powerless.

If the police inquiry is unsuccessful or difficult, you may feel angry and frustrated. You may feel extremely anxious that your assailant is free. Whether you know your attacker or not, fear of reprisal is very real. You may become afraid to leave home for fear of meeting him again, or afraid to answer the door or telephone. It is important for you to know that very few cases of revenge are reported after a complaint has been laid with the police.

## Laying criminal charges

Once the investigation is complete, the investigator submits his report to the criminal and penal prosecuting attorney, who makes sure that your file contains enough evidence to support legal proceedings. If everything is in order, the criminal and penal prosecuting attorney will authorize the police officer to begin proceedings against the sexual assailant.

The assailant will then be arrested and interrogated. Depending on the circumstances, he may be held until his court appearance, or set free.

## First appearance

Once charges have been laid, the next step is for the suspect to make a court appearance. This means that the assailant will be brought before a judge to be informed of the charges against him. You do not have to be present at this stage, but you may be present if you so desire.

The suspect may have been detained or at liberty prior to this court appearance. If the suspect has been detained, he must appear before a judge within 24 hours of his arrest. The charges will then be read to him and he must then enter a plea of guilty or not guilty. After this court appearance, the judge may order the accused held until the preliminary hearing or may set him free under strict conditions, such as ordering him not to communicate with you either directly or indirectly.

If the accused pleads guilty, there will be a hearing to determine his sentence. At this hearing, the prosecutor and the defence lawyer will present the facts of the case along with their recommendations

as to sentencing. The judge will then pronounce sentence or set a date when he or she will hand down a sentence. You may be called on to give evidence at the sentencing: to relate certain facts or tell the court how the assault affected you. These proceedings always end with the sentencing; there is no trial.

On the other hand, if the accused has entered a plea of not guilty, the judge will set a date for either a preliminary hearing or a trial, as applicable. Not all accused persons are entitled to a preliminary hearing, only those who choose such a hearing if the nature of the charges against them permits it. You should be aware that, in most cases, the accused will choose the type of trial that allows for a preliminary hearing. For example, an accused person who requests trial by judge and jury has the right to a preliminary hearing.

During the court appearance, the judge must also decide on whether or not the accused should be at liberty. The prosecution may oppose

the release of the accused, but it must present serious reasons for anyone to be detained before being proven guilty. The criminal and penal prosecuting attorney must prove that detention is justified. The reasons generally advanced are the probability that the accused will not appear at his trial if released beforehand, and the fact that detention is necessary for the protection or safety of the public, or that there is a risk of him re-offending, especially if there is a risk of his committing another serious crime.

After hearing the lawyers' arguments, the judge will rule on the release or detention of the accused. If the accused is released, the criminal and penal prosecuting attorney may request that certain conditions be imposed. You have the right to be informed of this. The criminal and penal prosecuting attorney may request that the accused have no contact with you. If you subsequently feel that the assailant is not respecting the conditions of his release, you must notify the police.



## Preliminary hearing

If the accused remains at liberty, the preliminary hearing will take place several months after his court appearance. If the accused is detained, however, the preliminary hearing will be held as soon as possible.

The purpose of the preliminary hearing is to determine if there is sufficient evidence to bring the accused to trial. The prosecution discloses the evidence against the accused to his lawyers so that they can better prepare his defence. Your testimony will most likely be required at this stage. You should be aware that, after being questioned by the criminal and penal prosecuting attorney, you will be cross-examined by the defence lawyer.

During this hearing, you will have to identify the accused as your assailant, answer various questions put to you, and relate the facts of the sexual assault as faithfully as possible.

During this stage in the process, you may be accompanied by a person of your own choosing.

## Plea bargaining

It is important to know that the accused can plead guilty at any time, from the moment of his first appearance in court up to the end of the judicial process. In fact, even if he has pleaded not guilty at his first appearance, the possibility of later changing his plea remains open to him and he can plead guilty to the crime with which he is charged.

Plea bargaining between the defence lawyers and the criminal and penal prosecuting attorney is current practice. Negotiations can begin at the first appearance and continue up until the trial.

It is important for you to understand that once the parties reach an agreement, the process is at an end and there will be no trial. These negotiations can sometimes render a trial unnecessary and lead the accused to plead guilty.

## INFOVAC-plus Program

This program allows victims of criminal acts to be kept informed throughout the entire judicial process. As soon as victims lodge a complaint, victims are provided with information on the case, the judicial process, their rights and available recourse, as well as information on support services.

Victims also receive a Victim Impact Statement form, which they are asked to complete in order to make the court aware of the effects that the crime has had on their life. Victims who wish to do so may also present their statement to the court.

Victims also receive a “Statement on Restitution” form before the criminal court that allows them to inform the court of financial losses incurred by the criminal act of which they were a victim, if the act occurred after July 22, 2015. If the assailant was a minor at the time the crime was committed and has been brought before the Youth Division of the Quebec Court, the Youth Criminal Justice Act provides for the possibility of paying an amount to the victim as a youth sentence. The form used in the event of a sexual assault committed by an adult may not be presented, however.

At the end of the judicial process, the victim will receive a letter informing her of the decision of the court and the sentence, as applicable. She will also receive a document containing general information on sentencing and conditional release.

The documents provided through the INFOVAC-plus program are available on the Internet at: [www.justice.gouv.qc.ca/en/documentation-center/leaflets-and-brochures/victims/](http://www.justice.gouv.qc.ca/en/documentation-center/leaflets-and-brochures/victims/)

For further information on the **INFOVAC-plus program**, please call your local **CAVAC** at **1-866-532-2822**.

# Trial

This is the last step in determining that the accused did indeed commit the crime with which he is charged. During the trial, you may be accompanied by the person of your choice (relative, friend or counsellor).

This step in the process may occur several months after the initial court appearance. The criminal and penal prosecuting attorney will meet with you before the trial to prepare you to testify. He or she will usually

have you re-read the testimony you gave at the preliminary hearing. You can ask the criminal and penal prosecuting attorney any questions you may have. You can also arrange a meeting before the trial to discuss any points you feel are important.

The trial usually proceeds as follows: the prosecution presents evidence, the defence has the option of presenting its evidence, and the lawyers argue their cases.

In Canada, legal proceedings are conducted in one of our two official languages, English or French, based on the choice of the accused.

**If you do not understand or speak the language in which the trial is being conducted, you are entitled to the services of an interpreter who speaks your language free of charge.**

**If you are hearing-impaired, you can also obtain a simultaneous translation in sign language at no charge.**

Note that the court offers this service only during your meetings with the prosecutor and while you are giving your testimony, not throughout the entire trial. After you have given your testimony, therefore, if you want to understand what is being said during the trial, plan to have a family member, friend or resource worker who speaks your language accompany you. Once you are outside of the courtroom, that person will be able to translate what was said during the trial.





**The Criminal Code of Canada contains a number of provisions that make it easier for victims and witnesses to provide their testimony during court proceedings.**

The criminal and penal prosecuting attorney (*Procureur aux poursuites criminelles et pénales* or PPCP), the victim or the witness must ask the Court directly for this service.

The judge will normally accept such requests and order that testimonial aids be provided if the victim or witness is under 18. In the case of people with a physical or mental disability, or any other victim or witness, the judge may agree to the request if he or she believes that such measures are necessary to obtain a full and candid account from the victim or witness of the facts on which the accusation is based.

**Measures that may be available for victims and witnesses to help them provide their testimony:**

- **The ordering of a publication ban** ensures that any information that could identify a victim of sexual assault is not published or broadcast.
- **A protective screen or closed-circuit television** allows victims or witnesses to give their testimony outside of the courtroom or behind a screen to prevent them from seeing the accused.
- **A child's testimony may be videotaped for use in Court** to save children from having to repeat their testimony during the actual trial.
- **Victims or witnesses may have someone they trust with them** (support person) when giving their testimony.
- **If the accused chooses to mount his own defense and act as his own lawyer**, the Court may appoint counsel to cross-examine the sexual assault victim to ensure she is not cross-examined directly by the accused.

**If you would like more information on testimonial aids, speak to the criminal and penal prosecuting attorney responsible for your case.**

## Verdict

The verdict is the judge's decision regarding the guilt or innocence of the accused. The verdict may be handed down immediately after the trial, or may be reserved. This means that the judge is taking more time to consider his or her decision. The judge will then set a date for delivery of the verdict. You will not have to come to court on that day if you do not wish to.

If the accused is being tried by a jury, the judge will give instructions to the members of the jury. He or she will explain the applicable rules of law and the criteria the jury must use to weigh the evidence. It is then up to the jury to decide whether the accused is innocent or guilty. The jurors leave the courtroom and deliberate in private, in complete isolation, until they reach a unanimous decision. All the members of the jury must agree on the verdict.

When the verdict is pronounced, the accused may be found not guilty and acquitted of the charges against him, or he may be found guilty and sentenced.

Once the verdict has been pronounced, you have the right, as the victim, to address the court in person to explain the effects the sexual assault has had on your life.

Or, if you prefer, you can have the prosecutor address the court on your behalf.

For more information on this right, please read the section on the INFOVAC-plus program on page 69.

A verdict of not guilty does not mean that you were not the victim of a sexual assault.

## Sentencing

The judge will take several factors into consideration in determining the sentence, in particular:

- the seriousness of the crime
- mitigating circumstances: family environment, remorse, age of the accused
- aggravating circumstances: previous convictions for similar crimes, premeditation, trauma to and age of the victim, abuse of power and authority
- the accused's potential for rehabilitation
- the usual penalties for a similar crime
- the probation officer's recommendations
- the evidence
- the effects of the sexual assault on the victim.

The sentence may be a pardon, a fine, a suspended sentence with probation, a conditional sentence (served in the community), or an unconditional prison sentence.



Additional information on the law and the judicial process in matters of sexual assault may be obtained from:

Your local CAVAC  
(Crime Victims Assistance Centre)  
at **1-866-532-2822**

The Quebec Coalition of Sexual  
Assault Centres (CALACS) in Montreal  
at **514-529-5252** or **1-877-717-5252**

You may also contact the provincial helpline for victims of sexual assault at **1-888-933-9007** or **514-933-9007** (in Montreal).



# Correctional services

When the assailant is incarcerated, you may receive information on the date of eligibility for parole, the date of release, and on decisions of the federal (sentences of two years or more) or provincial (sentences of six months or more) parole boards. For sentences of six months or less, the information is sent to the victims by Quebec correctional services. You can also make a presentation on the impact of the crime and your concerns about the release of the criminal.

If the offender is serving a sentence of between six months and two years, the *Commission québécoise des libérations conditionnelles* (CQLC) automatically provides victims of conjugal violence, sexual assault, or an offence relating to a behaviour related to pedophilia with certain information on the offender. Victims may submit a written document to the CQLC presenting the impact of the crime and their concerns about the offender's release.

If your assailant is serving a sentence of two years or more, you must register with the Parole Board of Canada (PBC) in order to receive certain information on the offender who harmed you (this is known as victim notification). You may also ask to attend the parole hearing as an observer, read a written statement or submit a statement in writing or a video recording, or request a copy of PBC decisions from its Registry of Decisions.

## For more information

Sentences of **2 years or more**

**National Parole Board**

Toll-free: 1-866-789-4636

[www.pbc-clcc.gc.ca](http://www.pbc-clcc.gc.ca)

Sentences of **less than 2 years**

**Parole Board of Quebec**

Toll-free: 1-866-909-8913

[www.cqlc.gouv.qc.ca](http://www.cqlc.gouv.qc.ca) et

[www.securitepublique.gouv.qc.ca](http://www.securitepublique.gouv.qc.ca)

## If the assailant is a minor

The *Bureau des affaires de la jeunesse* (BAJ) is responsible for criminal and penal proceedings against youth offenders by virtue of the Youth Criminal Justice Act and the Criminal Code. Your file will be taken in charge by a criminal and penal prosecuting attorney (*Procureur aux poursuites criminelles et pénales* or PPCP) from the BAJ and the proceedings will be held at the Youth Division of the Quebec Court. The procedure has been simplified: there is no preliminary hearing except if the prosecutor is asking for an adult sentence.

The youth penal justice system is different from the adult system. It encourages rehabilitation and reintegration into society, taking victims' interests into account and encouraging offenders to acknowledge and repair the harm they have caused. The Youth Criminal Justice Act (YCJA) has specific provisions on the sentencing of young offenders that are different from the adult sentencing provisions in the Criminal Code.

The BAJ prosecutor is required to apply the extrajudicial sanction program. This program uses community resources to keep young people who have committed certain types of offences out of the court system. In some cases, social intervention is enough to prevent reoffending young people, meeting their needs while holding them to account for their acts. The prosecutor must refer the adolescent to a sanction program in certain cases. In the case of crimes of a sexual nature, referral to a sanction program is at the prosecutor's discretion. In other words, it is up to the prosecutor in charge of your case to decide whether to refer your assailant to the extrajudicial sanction program or to initiate legal proceedings.



Sexual assault is a painful experience that can strike at the very core of our identity and wellbeing.

Every victim tries to get through this ordeal using their own strengths, skills and beliefs.

If you are a victim of sexual assault, you can obtain help. A number of resources are available to guide you in the choices that must be made. Every person is unique; every experience is unique. Have faith in yourself: it is possible to regain a normal life in the aftermath of a sexual assault, in your own way and at your own pace.

We hope that this guide has answered some of your questions. Above all, do not hesitate to contact the appropriate resource services: they are there to help you.

Sexual violence is a social problem. Victims are in no way responsible for it.

The Working Committee



*TABLE DE CONCERTATION  
SUR LES AGRESSIONS  
À CARACTÈRE SEXUEL  
DE MONTRÉAL*

[www.agressionsexuellemontreal.ca](http://www.agressionsexuellemontreal.ca)

# Resources that can help you

## FOR LISTENING AND REFERRALS

- **Provincial helpline for victims of sexual assault**  
(*ligne-ressource provinciale pour les victimes d'agression sexuelle*)  
bilingual, free of charge, available 24 hours a day, seven days a week  
1-888-933-9007 (or 514-933-9007 in Montréal)

For young people under 20 years of age

- **Tel-Jeunes**  
24 hours a day, 7 days a week  
1-800-263-2266 | Text 514-600-1002 | [www.teljeunes.com](http://www.teljeunes.com)
- **Kids Help Phone**  
24 hours a day, 7 days a week  
1-800-668-6868 | [www.kidshelpphone.ca](http://www.kidshelpphone.ca)  
messaging available from 6:00 pm to 2:00 am

## FOR GUIDANCE AND SUPPORT

- **Community organizations that assist victims of sexual assault**  
To find an organization in your region, call  
1-888-933-9007 or 514-933-9007 (in Montréal)
- **Sexual Assault Centres — CALACS**  
(*Centres d'aide et de lutte contre les agressions à caractère sexuel*)  
1-877-717-5252 or 514-529-5252 (in Montréal)  
[www.rqcalacs.qc.ca](http://www.rqcalacs.qc.ca)
- **Your local CLSC (health and social services centre)**
- **Crime victims assistance centre — CAVAC**  
(*Centre d'aide aux victimes d'actes criminels*)  
1-866-532-2822 or 514-277-9860 (in Montréal)  
[www.cavac.qc.ca](http://www.cavac.qc.ca)

## IF YOU HAVE BEEN A VICTIM OF SEXUAL HARASSMENT IN THE WORKPLACE

- **Help and information centre on sexual harassment in the workplace**  
(*Groupe d'aide et d'information sur le harcèlement au travail*)  
514-526-0789 | [www.gaihst.qc.ca](http://www.gaihst.qc.ca)



## IF YOU ARE A MINOR AND HAVE BEEN THE VICTIM OF ONLINE SEXUAL EXPLOITATION

- Canadian tipline for reporting the online sexual exploitation of children (Cybertip)  
1-866-658-9022 | [www.cyberaide.ca](http://www.cyberaide.ca)

## IF AN INTIMATE IMAGE OF YOU HAS BEEN PUBLISHED ON SOCIAL NETWORKS

- Go to the website [www.needhelpnow.ca](http://www.needhelpnow.ca), an initiative of the Canadian Centre for Child Protection

## IF YOU ARE HAVING SUICIDAL THOUGHTS

- Contact the suicide prevention centre in your region by calling 1-866-APPELLE (1-866-277-3553)

## TO REPORT A SEXUAL ASSAULT TO THE POLICE

- Call 9-1-1
- Contact your local police department

## TO APPLY FOR VICTIM COMPENSATION

- Crime victims compensation: *Direction de l'indemnisation des victimes d'actes criminels (IVAC)*  
1-800-561-4822 | [www.ivac.qc.ca](http://www.ivac.qc.ca)

## FOR MORE REFERENCES

- Victim services: *Association québécoise Plaidoyer-Victimes (AQPV)*  
514-526-9037 | [www.aqpv.ca](http://www.aqpv.ca)

## FOR MORE INFORMATION

- *Table de concertation sur les agressions à caractère sexuel de Montréal*  
[www.agressionsexuellemontreal.ca](http://www.agressionsexuellemontreal.ca)
- Guides in the series entitled *The Rights and Recourses of Victims of Crime* published by the *Association québécoise Plaidoyer-Victimes* [www.aqpv.ca](http://www.aqpv.ca), under the “Publications” tab.
  - Navigating your way through the justice system
  - When the offender is an adolescent
  - When the victim is a new immigrant or a person with precarious status
  - When the victim is a minor





