This guide is a project of La Table de concertation sur les agressions à caractère sexuel de Montréal (a Montreal coordinating group on sexual assault).

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Some sections of this guide have been taken in whole or in part from the Guide d’intervention médico-sociale pour intervenir auprès des victimes d’agression sexuelle. Government of Québec, Ministry of Health and Social Services, Ministry of Justice, and Ministry of Public Safety. 2001. Les Publications du Québec.
Preface

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

This information will be a useful tool 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 adult women and men, regardless of ethnic origin, culture, age, religion, sexual orientation, or physical and mental abilities.

It deals mainly with:

- The definitions and diverse forms of sexual assault
- Myths and prejudices
- 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 – medical-social, psychological, and financial
- The law and the judicial process

Please note that the feminine references in this guide in no way exclude 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’s 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 comes in different forms, depending on the act itself or the degree of violence involved.

An individual, male or female, may be the victim of sexual assault during childhood, adolescence or adulthood.
Sexual assault may be committed by

- a friend
- a spouse
- an acquaintance, for example a friend of a spouse, a brother of a friend, a person met at a social, cultural or sporting event
- a professional person 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 might include:

<table>
<thead>
<tr>
<th>Emotional Manipulation</th>
<th>Promises of Material Gain</th>
</tr>
</thead>
<tbody>
<tr>
<td>“If you really loved me, you would do what I want you to.”</td>
<td>“Go to bed with me and I'll buy you all the clothes you want.”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intimidation</th>
<th>Threats</th>
</tr>
</thead>
<tbody>
<tr>
<td>“I’ve been working here for a long time and I’m the one they’ll believe.”</td>
<td>“If you don’t cooperate, your kids will get hurt.”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Blackmail</th>
<th>Verbal, Physical or Psychological Violence</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Let me touch your breasts or I’ll see that you lose your job.”</td>
<td>“Even if you do tell, no one will believe you.”</td>
</tr>
<tr>
<td></td>
<td>“If you try to stop me, I’ll hit you.”</td>
</tr>
<tr>
<td></td>
<td>“If you say a word to anybody, it’ll be worse next time.”</td>
</tr>
</tbody>
</table>
Actions 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 the genitals of the woman or girl.

→ Penetration: penetration of the vagina by the penis, sodomy, penetration of the anus or vagina by fingers or objects.

→ Other Sexual Behaviour: producing or watching pornographic material.

→ Sexual Harassment: all forms of unwanted sexual attention or advances which cause discomfort or fear, and threaten a person’s well-being. This form of sexual assault can include looks, words, acts, touching, threats, propositions, jokes and exhibition of pornographic material.

→ Exhibitionism: word describing the behaviour of someone who shows his genitals in public.

→ Frotteurism: word describing 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: word describing “voyeuristic” behaviour or tendencies, which are based on a desire to look at the nudity or intimate behaviour of another person or group of people.
These various acts and behaviours are all sexual assaults when they occur **without the consent** of the victim because they threaten the person’s physical and psychological well-being, her self-image and perception of her environment.

Sexual assault is an act of violence and not one of sexual impulsiveness.
Myths and Prejudices

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

Victims may face many prejudices.
Myths about Women

These are among the most common myths about women:

- **It is impossible to carry out a sexual assault against a woman who does not consent.**
  
  **FALSE** Women do not ask to be sexually assaulted, humiliated or derided.

  This myth holds that the woman is responsible for the attack. 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 their injuries. It is possible to sexually assault a non-consenting woman.

- **Women lay complaints for no good reason.**
  
  **FALSE** Various studies have shown that less than a quarter of sexual assaults are reported to the police.

- **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 due to provocation 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 constitute an invitation or a provocation to sexual assault.
Myths about Sexual Assailants

Sexual assailants, like their victims, are the subject of many myths.

**Sexual assailants are strangers.**

*FALSE* In fact, the attacker 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.

**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 attacker — most of the time a member of their immediate or extended family, or an ordinary acquaintance in good mental health.

**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

Sexual assaults against children and teens are also the subject of a number of myths.

The victims must hate the attacker.

**FALSE** It is wrong to assume that the victim always detests the sexual assailant. In an incestuous situation, for example, the victim is torn between feelings of betrayal by the assailant and love for this relative. This gives rise to feelings of ambivalence. A teen who is attacked by a friend with whom she has a loving relationship can also experience feelings of ambivalence.

Children and teens who become sexually excited or have an orgasm during a sexual assault have consented because they experienced pleasurable feelings.

**FALSE** It is possible for a child or teen to have an erection following stimulation of the genitals, even when being sexually assaulted. Many children and teens who are victims of sexual assault feel guilt and shame: they wrongly believe that their physical reaction means 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** Many boys who have been sexually assaulted wrongly believe that there is something about them that attracts men and that they must be homosexual or effeminate. A sexual assault will not determine a victim’s sexual orientation.

Over the last several years, more and more men are revealing that they have been sexually assaulted.

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 to justify the behaviour of the attackers.
Statistics

The Victims of Sexual Assault

→ 1 woman in 3 has been the victim of at least 1 sexual assault from the age of 16.

→ 1 man in 6 will be sexually assaulted over the course of his life.

→ 2/3 of victims are under 18 years of age.

→ 82% of sexual assault victims are women.

→ Over 75% of young native girls under 18 have been sexually assaulted.

→ 40% of physically handicapped women will be sexually assaulted at least once over the course of their life.

→ 39 to 68% of mentally handicapped women will be sexually assaulted at least once before the age of 18.

→ 1 woman in 7 has been sexually assaulted at least once by her spouse.

→ Nearly 8 in 10 victims know their attacker.

→ 7 in 10 victims were sexually assaulted in a private residence.

→ Up to 90% of sexual assaults are not reported to the police.

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

Sexual Assailants

- In **98%** of reported cases, the attacker is male.
- **20%** of assailants are under the age of 18.
- In **2%** of cases, the assailant is female.

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, a stranger.

The assailant may be very sneaky or employ very subtle means to get what he wants from the victim.
Possible Effects on Victims

The effects of sexual assault are many and may show up in various forms and at various stages of your life. These effects may vary according to your age, the connection between you and your attacker, 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 women and men are attempting to deal with the effects of sexual assault, both recent and long ago occurrences.

The effects described here could apply in your situation, whether you are male or female.
Signs of the Effects of Sexual Assault

Whether a sexual assault happened recently or years ago, it has certain effects, some of which are common to a majority of the victims, others more specific to the victim’s situation.

You may experience:

- Physical problems such as headaches, fatigue, sexually transmitted infections, unwanted pregnancy, injuries.
- Psychological problems such as sadness, depression, guilt, feelings of anger and rage, fears, low self-esteem, shame, discouragement, suicidal thoughts, and self-mutilation.
- Sexual problems such as a lessening of desire or becoming overly sexual, pain during intercourse, or disgust with sexual matters.
- Difficulty in relationships with your spouse, friends and family.
- Frustration and anxiety which may arise from the judicial process, the trial and court testimony.
- Economic, social or family problems: difficulty at work, rejection by 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 can occur over a long period of time, beginning either immediately after the assault or many years later.
Effects of a Recent Sexual Assault

After a recent sexual assault, you may experience reactions 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 presented here that relate to effects and reactions to a recent sexual assault are a collection of all the possibilities that you might experience.

The short term effects can be divided into three stages.

1. Initial Shock

Each of these stages is associated with certain physical and psychological reactions, and with certain behaviours that you may already have experienced, that may be part of your current situation, or that you may experience later.

2. Adjustment

3. Reintegration
1. Initial Shock

This stage is generally the most intense, covering the first days after the sexual assault. Your daily life is turned upside down. Emotions can be very intense.

In the hours following the sexual assault, you may feel a range of emotions, sometimes contradictory or changeable, and you may go from a state of euphoria to one of depression.

In those first days, you may experience the following reactions and feelings:

- anger and aggression, often directed towards those around you for trivial reasons;
- intense fear;
- shame and humiliation;
- depression;
- sadness;
- moodiness;
- feelings of being misunderstood and of being alone with your problem;
- lowering of your threshold of tolerance in situations seen as a threat to your safety and security, such as not wanting to be touched, freezing if a stranger asks you the time;

- feelings of guilt for what you did not do, such as not having screamed or fought, or for what you did do, such as having accepted an invitation or opened the door to a stranger;
- feelings related to your inner self: feeling dead inside, feeling a loss of purity or integrity, feeling tainted, feeling that you are broken inside;
- confusion, anxiety.
You may also have physical symptoms:

- feelings of 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 have been through.

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

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 a group of people. You might have a strong emotional reaction upon seeing someone who looks like your attacker.
You may be extremely calm and in control, preferring to hide your emotions, or you may want to be with people at all times.

You may want to avoid being alone and want to return to your normal activities quite soon.

At this stage, you are bearing a heavy emotional load and must face certain practical problems. You may need to go for a medical exam, decide whether or not to report the assault to the police, take care of your physical injuries, and explain your absence from work or school.
2. Adjustment Stage

Little by little, you emerge from the state of shock and want to return to your normal life. So begins the process of reorganizing your daily life. This phase generally begins the 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 those aspects of your life that you have not had time for lately. You feel relieved to be less obsessed by what happened to you. You can now take care of yourself using the energy you were previously spending on control of your emotions. You discuss the assault and your feelings less frequently. You may even tend to deny that the sexual assault still bothers you.

Often, during this period, you continue to have nightmares or violent dreams: these often share the theme of a situation similar to the sexual assault with attempts to escape resulting in failure. The dream may change over time, remaining violent, but providing you with a changed image of yourself. For example, you may be going to defend yourself, retaliate against the attacker.

You may be startled at an unexpected touch or when someone enters the room you are in.

The key element of this stage is “activity”. You try to take charge of your own life once again so that you can feel good about yourself. You want to feel good again. You may move, change jobs or telephone number. You may feel the need to go away, perhaps far away. You may also want to take up your life where you left off after the assault, to get right back to normal.
You may become fearful or develop phobias, which may have 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 attacker;
- fear of certain smells or other things, like objects, sounds, textures, places that remind you of the assault;
- fear of sex.

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

Talking about what happened and getting help can be beneficial.

3. Reintegration Stage

Now you can carry on with the activities of your daily life. You have, for the most part, recovered your nerve and are calm. You may feel you need to think about the assault in order to gain insight into questions or emotions that still bother you. This period of reintegration may last several months.

During this period, you try to reconcile the thoughts and emotions related to the sexual assault. Frustration, anger and guilt can resurface when you think of it. Rationally, you may have resolved certain aspects of the sexual assault, but some emotional aspects will still remain.

This is a period of introspection during which you may feel very apart from others. You sometimes feel the need to take a solitary look at reality and to reflect on it. You may be angry at those 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 fear of being alone, or because you remain unable to have sex. During this period, some of the progress you have made seems uncertain.

This is also a period when you express anger at your assailant and, perhaps at your close friends and family. You may question some of the decisions you made when you were seeking safety, for example, moving in with family or friends. This uncertainty arises from a need to feel free again. In fact, this is the period of return to autonomy.

SELF-DEFENCE COURSES

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

Whether you are a man or a woman, you can ask for help.

There are supportive professionals trained to help you, and resources are available in every region.
Effects of Revealing a Childhood Sexual Assault

The reactions and effects of a recent sexual assault are also experienced by victims of childhood sexual assault.

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

If you decide to now reveal a sexual assault that took place during your childhood, you may experience reactions that you did not expect. Some victims of childhood sexual assault may spend many years feeling that the experience did not particularly mark them. The reactions upon revealing the attack 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 of long buried memories which now resurface.

Talking about it and seeking assistance can help you. Refer to “Medical-Social, Psychological and Financial Assistance” on page 34 to find out about resources available to help you.
Of Special Interest to Male Victims...

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 to prevent the sexual assault.

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

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 and not excitement signifying your consent to a sexual activity.

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

Men believe that if they have been 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 it as an assault. You may be afraid of being judged, or of not being believed. You should know that it does not matter whether the assailant is a man or a woman: if you did not consent, it was a sexual assault.
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 they somehow attract men and must be homosexual or effeminate. This is false. Sexual assault is a statement of power and has nothing to do with attraction and seductiveness.

Men who are victims of sexual assault experience effects similar to those of women victims.

Refer to the section on effects on page 25.
The effects evolve over time and are different for every victim of sexual assault.

Seeking help as soon as possible can lessen the effects and can help you feel less alone.
Deciding to Talk About a Sexual Assault
Not an easy decision

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

Revealing a sexual assault is not an easy decision for most victims.

There are many reasons which prevent a victim from revealing a sexual assault and which can keep her silent about it for many years.

Sexual assault is a crime that is shielded, in part, by a code of silence.

Most likely you:

- are afraid of the assailant and fear reprisals;
- feel that you are the only person to have had this happen;
- feel guilty;
- are ashamed;
- dread nasty comments;
- fear you will not be believed;
- feel responsible for what happened;
- sometimes have conflicting emotions towards the attacker;
- are fearful of legal proceedings;
- are afraid to upset your friends and family;
- are fearful of the reactions and comments of those around you.
Choosing to Break the Silence:

- allows you to overcome the shame of the secret that sets you apart.
- lets you make progress and get through the stage of denial and face reality.
- opens the door to understanding and help.
- allows you to share your experience with compassionate people who will acknowledge what happened to you.
- lets you get in touch with your emotions.
- gives you the tools you need to lessen the impact of the effects of sexual assault.

Male or female, you can ask for help. There are professionals trained especially to assist you. See the section on “Medical-Social, Psychological and Financial Assistance” on page 34 for more information on the help available to you.
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 for you, even if you are talking to someone close to you, someone 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 you will not be believed, or doubt that you have the ability or strength to discuss the matter. You might also be worried that you will not be able to overcome the effects of the sexual assault, or that there will be all kinds of unpleasant consequences to revealing it.

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

**You need:**

- to be believed and listened to.
- to have your emotions validated.
- to be respected for having survived by whatever means (remember that these means 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 and blamed.
- to be encouraged in the search for help.
- to obtain information on the process of healing.
- a listener who does not sympathise with or defend the attacker.

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

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.

Your friends and family members have to understand what triggers a reaction in you following the sexual assault, and must understand your needs. People around you have to understand that there is a connection between your current difficulties and the sexual assault that you have been through.

If you wish, you can have the people close to you read this.

*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 are some tips to help you when someone confides in you that they have been sexually assaulted.

### Harmful Reactions

**Judging**
- Asking the victim tactless questions.
- Trying to extract the details from her.
- Talking incessantly.

**Doubting**
- Showing scepticism, questioning what the victim has told you.

**Trivializing, Minimizing, or else Dramatizing Events**

### Helpful Reactions

**Listening**
- Listening non-judgmentally to what the victim has to say.
- Letting her express herself in her own words, in her own way, and at her own pace.

**Believing**
- Believing what the victim says. She is the one who has been through it. For now you should focus on what she is saying and what she is going through.

**Accepting**
- Simply accepting what the victim says without either minimizing or magnifying the facts, emotions or consequences.
Harmful Reactions

**Finding Fault**
Pointing out her weaknesses, what she could have said or done.

**Ignoring the Matter**
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. Doing nothing about a request for help.

**Blaming**
Blaming the victim for what she did not do. Acting as if she somehow provoked the attack, as if she is somehow responsible for what happened to her.

**Overprotecting**
Smothering, overprotecting the victim by keeping her from going out, from seeing friends, or from staying away overnight.

**Turning the Page**
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 it.

Helpful Reactions

**Encouraging her to be strong**
Helping her to feel good about what she has done right. Pointing out her strengths, her courage in talking about it.

**Supporting**
Being available to talk to or to accompany the victim. If you feel unable to help, it is important to tell her so, and to help her find someone else who is up to the task.

**Banishing Guilt**
Helping 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.

**Encouraging Autonomy**
Being there for her and helping the victim re-establish power in her own life. Giving her room to breathe, to get back to her previous level of functioning.

**Recognize Her Emotions**
Help the victim to express what she feels by recognizing that her reactions, emotions and feelings (anger, resentment, guilt, low self-esteem) are normal.

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If you find it difficult to maintain your emotional distance in the face of an account of 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.

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Extract from the companion guide to the video “J’appelle pas ça de l’amour…”, Laval University, 1994.
Adapted by Chantal Dubois of CALACS-Laurentides.
Medical-Social, Psychological and Financial Assistance

You have been sexually assaulted recently and are burdened with a number of concerns.

- You wonder if you should go to the hospital even if you have no physical injuries.

- You want to get psychological help and think that the hospital is not the place for it.

The designated centres for victims of sexual assault are often located in hospitals, health and social services centres, and clinics, and offer various medical and psychological services.

You can go the hospital even if you have no obvious physical injuries.

All the regions of Quebec have designated centres offering services to victims of sexual assault 24 hours a day, 7 days a week.

The services offered in these designated centres are designed especially for victims of sexual assault — children, teens, women and men — people needing a health assessment, a medical exam or a forensic interview.

In designated centres, there are medical-social teams whose members include, among others, personnel with training in counselling, nurses and doctors with special training to help victims of sexual assault.
Medical-Social Assistance

There are different stages of medical-social assistance.

Medical-social assistance is available to all victims of sexual assault regardless of age or gender.

When you arrive at your local designated centre, you will be cared for by a team of professionals trained to work with victims of sexual assault. You will have an opportunity to talk, to express your needs and emotions, and you will be listened to.

The team is there to support you in what you decide to do. They will need to ask you several questions. Indeed, it is important for the team to know how much time has passed since you were sexually assaulted, and what you have decided about reporting it to the police.

After the interview, the team will decide, with your help, what type of exam will be done. In every case, your consent is necessary.

The medical exam consists of

- checking the general state of your health,
- treating your injuries,
- detecting any sexually transmitted infection or any infection transmitted by blood,
- preventing an unwanted pregnancy.

A gynaecological and genital exam may be made during the course of the medical exam. Various samples may be taken and various treatments given.

A medical exam is crucial to your health and well-being, whether or not you decide to report the assault.
The **forensic examination** is a medical examination that includes the taking of samples that will be used for forensic purposes if you decide to report the assault to the police.

A **forensic evidence kit** is used during this exam. It allows standardization of the information gathered and the samples obtained in order to provide objective scientific proof. 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. DNA obtained from these specimens can establish a genetic profile of your attacker. Each person’s genetic or DNA profile is unique and can be used to connect a suspect to a victim. Genetic profiles of suspects are sent to Canada’s National DNA Data Bank. The Data Bank looks for matches with the DNA profiles of known offenders (previously convicted of other crimes) or with genetic profiles taken from other crimes, yet unsolved. So, even if the victim does not know the identity of her assailant, the forensic evidence kit can lead to identification of a suspect.

You can have the forensic examination even if you do not yet know whether or not you will report the assault to the police. The designated centre will keep it for 14 days. If you do make a police report, the designated centre will hand the kit over to the investigator. The kit is sent to the Laboratoire de sciences judiciaires et de médecine légale (the province’s forensic science and forensic pathology laboratory) where specialists analyze it in various ways. The results are written up as expert reports which are given to the investigators. So, the forensic evidence kit is one of the elements of proof in a police investigation.
You will receive the psychological support of a multidisciplinary team the whole time you are being treated at the designated centre. The professional staff will inform you of certain symptoms which might appear following a sexual assault, like nightmares, fear, insomnia, fatigue and anxiety.

Following the medical and forensic examinations, a counsellor can accompany you if you decide to report the assault to the police. Any applicable documentation needed to legitimize your absence from work or school will be provided. You will also be given a list of organizations that can help you through this.

Later, you will return for a medical follow-up, generally a few weeks after the first visit, to assess your physical and psychological health, determine pregnancy, and detect any infections transmitted sexually or through the blood.

A social-psychological follow-up will also be suggested in order to help you, and those close to you, deal with reactions to and complications from sexual assault. You can refer to the “Psychological Assistance” section on page 38 to learn more about what resources are available.

A medical-social intervention at a designated centre is offered to all victims of a recent sexual assault, male or female, regardless of whether or not the victim decides to report the assault to the police.
Psychological Assistance

You have been a victim of sexual assault, either recently or a number of years ago, and you would like to get help to overcome the consequences of the assault. You should know that there are different resources available to help you according to your needs.

Designated Centres

The various designated centres throughout Quebec offer psychological help to victims of a recent sexual assault.

To find the closest designated centre, contact the Health and Social Services Centre — the CSSS — (Centre de santé et de services sociaux) or your local police.

Sexual Assault Centres – CALACS

(Centres d’aide et de lutte contre les agressions à caractère sexuel)

CALACS are specialized community resources specifically for victims of sexual assault.

A CALACS can tell you about recourses available and can help you to get through the aftermath of a recent or past sexual assault (individual or group support), to deal with the fact that you were sexually assaulted, to regain control of your life, and can accompany you in any proceedings you decide to undertake (medical, legal or other).

To reach your nearest CALACS, call the Quebec Coalition of Sexual Assault Centres (Regroupement québécois des CALACS) in Montreal at 514-529-5252 or visit their web site at www.rqcalacs.qc.ca

These services are free and completely confidential.
CAVAC – Crime Victims Assistance Centre
(Centre d’aide aux victimes d’actes criminels)

These centres, located all over Quebec, are non-profit organizations offering help to anyone who is the victim of a criminal act.

The Crime Victims Assistance Centres, CAVAC, offer free services and guarantee confidentiality.

CAVAC can

→ offer you support and listen to you, either over the telephone or in person;

→ provide you with information on legal procedures and on your rights and recourses;

→ offer support and accompany you in your undertakings whether they are with the community, private or public sectors, such as at the courthouse;

→ guide you to the legal, medical, social and community resources appropriate to your needs.

To reach your local CAVAC, call 1-866-532-2822. You can also visit their web site at www.cavac.qc.ca
Other Professional Services

Some professionals (psychologists, social workers, sexologists) are trained to work with victims of sexual assault. These specially trained professionals can help you overcome the effects of a sexual assault.

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

To reach the professional association of Quebec psychologists, l’Ordre des psychologues du Québec, call 1-800-363-2644, or visit their web site at www.ordrepsy.qc.ca

To reach the professional association of Quebec social workers, l’Ordre professionnel des travailleurs sociaux du Québec, call 1-888-731-9420, or visit their web site at wwwoptsq.qc.org

To reach the professional association of Quebec sexologists, l’Association des sexologues du Québec, call 514-270-9289, or visit their web site at wwwassociationdessexologues.com

You should know that when you consult a professional in private practice, you will have to pay the person’s professional fees.

In some cases, these professional fees may be covered by a program called Compensation to Victims of Crime — IVAC (régime d’indemnisation aux victimes d’actes criminels), which provides indemnities to victims of crime, or by your own private insurance. You can also check to see if psychological help is available through an employee assistance program.
Financial Assistance

Compensation to Victims of Crime — IVAC  
(*indemnisation des victimes d’actes criminals*)

The IVAC program’s mission is to help Quebec victims of crime by offering financial support and indemnities.

If you are a victim of sexual assault, you can make a request for indemnification. If your request is accepted, various expenses will be reimbursed to you: transportation, clothing, moving, lost time at work, and other costs. You may also be allocated an indemnity for damages, either physical or psychological. In addition, IVAC may assume payment of fees for psychological consultations.

You can make a request for indemnification whether or not criminal proceedings have been instituted against the assailant, and whether or not he has been found guilty.

If you are a victim of sexual assault outside of Quebec, you are not eligible for IVAC. For cases of sexual assault in other Canadian provinces, there are services similar to the IVAC program.

To reach IVAC, call 1-800-561-4822 or visit their web site at www.ivac.qc.ca

Private Insurance

Check with your personal insurers. Some insurers do cover various psychological services.

Employee Assistance Program

Various workplaces have an employee assistance program which generally offers psychological assistance. Check with your employer or your human resources department.
Terminating a Lease

Usually one’s residence is a place where one feels safe and where it is pleasant to live. However, it can happen that this sense of safety is threatened by a spouse, ex-spouse, or some other person, due to conjugal or sexual violence. If this is what has happened in your case, the law allows you to terminate your lease by sending a notice to your landlord. Along with this notice, you must send an attestation to establish that your safety is threatened.

The law sets out but one condition: that your safety, or that of a child residing with you, is threatened by:

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

To learn more about terminating a lease, visit www.fede.qc.ca, the web site of the Fédération des ressources d’hébergement pour femmes violentées et en difficulté du Québec, a federation of resources on lodging for women victims of violence or women in difficulty in Quebec.

You can obtain the form for termination of a lease from the police, from health and social service centres, and from other organizations. See the section on “Medical-Social, Psychological and Financial Assistance” on page 34 to learn more.
Regardless of the nature of the act, a sexual assault is a CRIME which can be reported no matter how much time has passed since the assault.
Laws and the Judicial Process

Sexual assault is a crime in that the acts or behaviours of a sexual nature have taken place without your consent. If you are under fourteen years old, you can not legally consent to sexual activity. The law stipulates that a person under the age of fourteen 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 if you were afraid to defend yourself, you have not given your consent. Furthermore, even if you kissed or hugged a person, that does not automatically constitute consent to other sexual acts. Nobody has the right to have any type of sexual relations with you against your will. You always have the right to say no.

You did not give your consent freely if you had no choice other than to do what the assailant demanded.

Briefly, 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 her lack of consent, through her words or through her behaviour, even if she had previously given her consent.

There can be no consent if the person is not competent to consent to sexual relations. A temporarily incapacitated person cannot consent to sexual acts, which would be the case where a person was unconscious or asleep. A person under the influence of alcohol, drugs or medication might also be considered incapacitated as she might well be too intoxicated to consent to sexual activity.

Everybody has a right to say “NO”.

If you struggled and 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. That is what is known as legitimate self-defence.

Self-defence is not always an obvious matter in the event of a sexual assault. Each case is different and 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.

A man as well as a woman can freeze in the face of a threat, of sudden danger, of the unknown. This reaction is sometimes best as it can be a way to avoid injury or save your life.
The *Criminal Code* of Canada contains the sections of the law relating to sexual assault.

In the legal sense, any sexual assault is, fundamentally, an assault within the meaning of Section 265 (1) of the *Criminal Code*.

A person commits an assault when

(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;

(b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or

(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.
Information Guide for Sexual Assault Victims

As it does for assault, the Criminal Code defines several crimes of sexual assault under Sections 271 to 273.

Sexual Assault (Section 271)

Simple sexual assault causes no bodily injury, or almost none, to the victim. It may be considered an indictable offence or an offence punishable by summary conviction.

Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm (Section 272)

This type of sexual assault involves one or another of the following four 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; or
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 fourteen years commits sexual interference.

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 fourteen years 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 person under the age of fourteen years.
Sexual Exploitation of a Young Person (Section 153)

A young person is one who is 14 years of age or more but under the age of 18 years.

A person who is in a position of trust or authority towards a young person or upon whom the person is dependent, commits this offence when, for a sexual purpose, he touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or invites, counsels or incites a young person to sexually touch, directly or indirectly, with a part of the body or with an object, the young person’s own body or the body of any person.

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.
Diagram of the Judicial Process

1. Report to Police
2. Police Investigation
3. Laying of Charges
4. First Appearance of Accused
   - Guilty Plea
     - Sentence
   - Not Guilty Plea
     - Preliminary Hearing
     - Trial
     - Verdict
       - Acquittal
       - Conviction
         - Sentence

This diagram is an extract from *Les Agressions sexuelles, Femmes et Justice, Le guide de l’usagère* by the Sherbrooke CALACS, 1995, page 3.
The Different Stages of the Judicial Process

Here is a summary of the possible path of a report of sexual assault, from beginning to end. You can refer to the diagram on the previous page.

Laying a Complaint with the Police

This is the first stage in the judicial process. If you decide to report the assault, you will have to go to the police station or call 911. An incident report will be made. You can take this step right away or years after the actual sexual assault.

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 stop or to continue the process.

The incident report will be the basis of the police investigation. It is important for you to make a note of the number of this 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, you will be asked about his whereabouts, his physical description, and his clothing.
  - If not, you will be asked to give a description, both physical and of his clothes, in case you are able to recognize him.
- Were there any witnesses?
At this stage of the process, many emotions can 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 think long and hard about reporting 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 assault. You may well feel harassed by all the questions you are asked.

In Montreal, if you do lay a complaint, an investigator from the Sexual Assault Squad of the Montreal Police Services will meet with you.

If you live in an area outside Montreal, the police inquiry may be carried out by an investigator responsible for this type of inquiry.

You will probably proceed to identification of 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 Crown Prosecutor authorizes that charges be laid against him.

The Police Investigation

Following your complaint, the investigator will take charge of your file. He will take your statement, and that of any other witnesses, in writing. He will ask you to tell what happened, to give details of the acts, to describe the assailant, and to give any other information deemed relevant. This information will be included in a statement that you must sign.

You will be glad to know you can be accompanied by a person of your choice when you go to lodge a complaint.
You should not hesitate to contact the investigator if you want information on the progress of the investigation or to add information to your file.

If you receive threats from your assailant or from his entourage, you must call 911 and you should let the investigator know about them.

Once your report is in and the investigation has begun, if you decide to withdraw your complaint or if the investigator decides that there is not enough evidence, the process can stop at this stage. If the judicial process comes to a halt, you may be angry, feel misunderstood or alone and powerless.

In cases where the policy inquiry is fruitless or difficult, you may experience feelings of anger and frustration. You may agonize at the thought that your attacker is free. Whether or not you know who your attacker is, fear of reprisals is often present in a very real way. You may end up afraid to leave home for fear of meeting him again, or afraid to answer the door or telephone. You should know that very few cases of revenge are reported after a complaint has been laid with the police.

The various resources specializing in matters of sexual assault can offer you support and guidance throughout this process. Refer to the section on “Psychological Assistance” on page 38.
The Charges

Once the investigation is completed, the investigator submits his report to the Crown Prosecutor who makes sure that your file contains enough evidence to support legal proceedings. If so, the Crown Prosecutor will authorize the police officer to begin proceedings against the sexual assailant.

The assailant will be arrested and will be subject to an interrogation. Depending on the circumstances, he may be held until his court appearance or set free.

The 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. The prosecutor and the defence lawyer present the facts of the case along with their recommendations as to sentencing. The judge then pronounces sentence or sets a date when he will hand down a sentence. You may be called upon to give evidence at the sentencing to relate certain facts, or to tell the court of the effects the assault has had upon you. In any case, these proceedings end with the sentencing — there will be 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 the case may be. Actually, not all accused persons have a right 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 opts for 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 in fact oppose the release of the accused. But it must advance serious reasons for anyone to be detained before being proven guilty. The Crown Prosecutor 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 the risk is 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 Crown Prosecutor may request that certain conditions be imposed. You have the right to be informed of this. The Crown Prosecutor could particularly request that the accused have no contact with you. If you feel that the assailant is not respecting the conditions of his release, you should advise the police.
The Preliminary Hearing

When the accused remains at liberty, the preliminary hearing takes place several months after his court appearance. But when the accused is detained, the preliminary hearing takes place 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 Crown Prosecutor, you will be cross-examined by the defence lawyer.

Plea Bargaining

You should be aware that the accused may 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 Crown Prosecutor is current practice. Negotiations can begin at the first appearance and continue 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 induce the accused to plead Guilty.
The INFOVAC-plus Program

This program allows victims of criminal acts to be kept informed throughout the stages of the judicial process. From the time they lodge a complaint, the victims receive information on the case, the judicial process, their rights and available recourses, as well as information on assistance available.

The victim also receives a “Victim’s Impact Statement” form which she is asked to fill out to make the court aware of the effects that the crime has had on her life. If the victim so desires, she can present her statement to the court.

When a victim is called to testify, she receives information on her responsibilities as a witness, on what happens when she gives evidence and on her role in the proceedings.

Finally, at the close of the judicial process, the victim receives a letter informing her of the decision of the court and of its sentence, as applicable. Along with the letter will be a brochure of general information on sentencing and conditional release.

The brochures sent under the INFOVAC-plus program are available at: 

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

This is the last step in ascertaining that the accused did commit the crime with which he is charged. During the trial, you can have a person of your choice accompany you, a relative, a friend or a counsellor.

This stage can take place several months after the initial appearance in court. The Crown Prosecutor will meet with you before the trial to prepare you to testify. Generally, he will have you re-read the testimony you gave at the preliminary hearing. You can ask him any questions that are bothering you. You can also arrange to meet him, before the trial, to discuss any points you feel are important.

The trial usually takes place as follows: the prosecution presents evidence, the defence presents evidence, and the lawyers proceed to argue their cases.

The Verdict

The verdict is the judge's decision as to 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 giving himself more time to consider his decision. The judge will then set a date for delivery of the verdict. You will not have to come to court that day if you do not want to.

In the case of a jury trial, the judge gives instructions to the members of the jury. In these instructions, he explains the applicable rules of law and the criteria the jury must use to weigh evidence. It is up to the jury to decide the guilt or innocence of the accused. The jurors leave the courtroom and deliberate in private, without any contact with other persons until they reach a unanimous decision. All the members of the jury must agree on the verdict.
When the verdict is given, the accused may be found Not Guilty and acquitted of the charges against him, or he may be found Guilty and sentenced.

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

When the verdict is given, you have a right, as the victim, to address the court in person in order to make it aware of the effects the sexual assault has had on your life.

If you prefer, you can have the Crown Prosecutor address the court in your name and relate the effects that the sexual assault has had on you.

Refer to the INFOVAC-plus program on page 57 to learn more about this right.

For more information on the law and the judicial process in matters of sexual assault, you can contact these two organizations:

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
The Sentence

In determining the sentence, the judge considers several factors, especially:

- 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.

Victims and the Correctional System

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 2 years or more) or provincial (sentences of 6 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. When the latter is serving a sentence of 2 years or more, you can ask to be present at the parole hearing.

For more information

On sentences of 2 years or more
The National Parole Board
Toll-free: 1-866-789-4636
www.npb-cnlc.qc.ca

On sentences of 2 years or less
The Parole Board of Quebec
Toll-free: 1-866-909-8913
www.cqlc.gouv.qc.ca and www.msp.gouv.qc.ca
Sexual assault can be a painful experience that strikes at the heart of our identity and well-being.

Every person tries to get through this hardship with her or his 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 you must make. Every person is unique, every experience is unique. Trust yourself. You can regain a normal balance after a sexual assault. Each person does so in her own way and at her own pace.

We hope that this guide has been able to answer some of your questions. Do not hesitate to contact the services offering assistance — they are there for you.

Sexual violence is a social problem and the victims are not responsible for it.

The Working Committee of this Guide.
Other Resources

Various other resources are available in other areas and locations. Contact your nearest Health and Social Services Centre to find out what they are. You can write them down here.
Notes