



ēducaloi

Information Empowers

#SURVIVOR:

What are my options?

LGBTQ+ Communities

Sexual violence:

recourses, resources, testimony

Important Notice

The legal information in this guide is up to date to April 2023. It applies only in Quebec and is not legal advice.

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Acknowledgements

We would like to thank the victims and survivors who shared their experience and inspired this guide.

We would also like to thank the organizations that read and commented on this guide.

This project was made possible through the financial support of Justice Canada.



Department of Justice
Canada

Ministère de la Justice
Canada

Objectives of this guide

Sexual violence can cause you to experience all kinds of difficult and surprising emotions. This is a very difficult situation and these are normal reactions.

This guide outlines different options available for victims of sexual offences like sexual assault.

We hope this guide can help you make informed decisions and choose the process that is best for you.



All quotes in this guide are inspired from real-life testimony of LGBTQ+ victims of sexual violence featured on our podcast, #Après (French only).

**Police complaint and
criminal prosecution**

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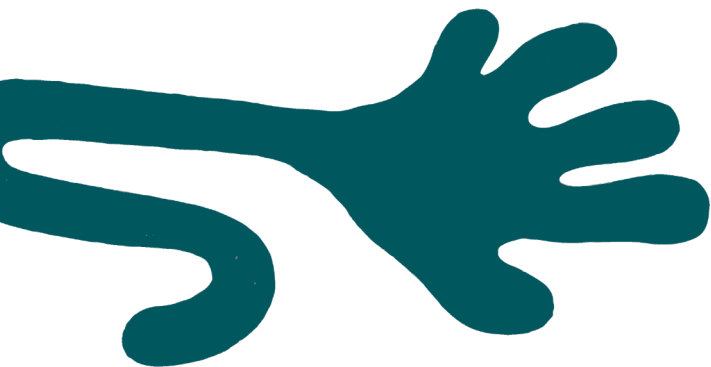
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**What to do if
you experience
discrimination
when seeking help**

Police

complaint
and criminal
prosecution



*It's a long and emotional process...
It forces you to relive some difficult
situations. But for me, **it was
important to feel that there had
been some justice.***

Objectives of this approach

Among others,

- to denounce inappropriate behaviour,
- to punish individuals who commit a crime,
- to protect yourself.

Sometimes I felt like I was in a play. Everyone's watching, telling you when to speak or respond. Afterwards, I realized that I could have expressed myself and shared my point of view. If I had known this, I would have done so.

How does it work?

First, you must file a police complaint. After that, the government initiates the court proceedings and prosecutes the accused. You may have to testify at the trial.

Various services exist to help support you through this process (p. 26).



Free



No time limit



Police complaint

Mediation



*I found the mediation process very respectful. I felt a certain **sense of control: not over the other person, but over the situation.***

Objectives of this approach

To communicate with the person who committed the sexual violence about the harm you have suffered, and about your needs and expectations.

*// I chose mediation because I didn't want to send someone to prison... But I still **needed a way to have the person acknowledge and understand what had happened.** //*

How does it work?

A neutral mediator provides a framework for dialogue. Mediation is voluntary: no one can be forced to take part.

Mediation can take many forms, including face-to-face conversations or written communication. It is always preceded by preparatory meetings.



Free



No time limit



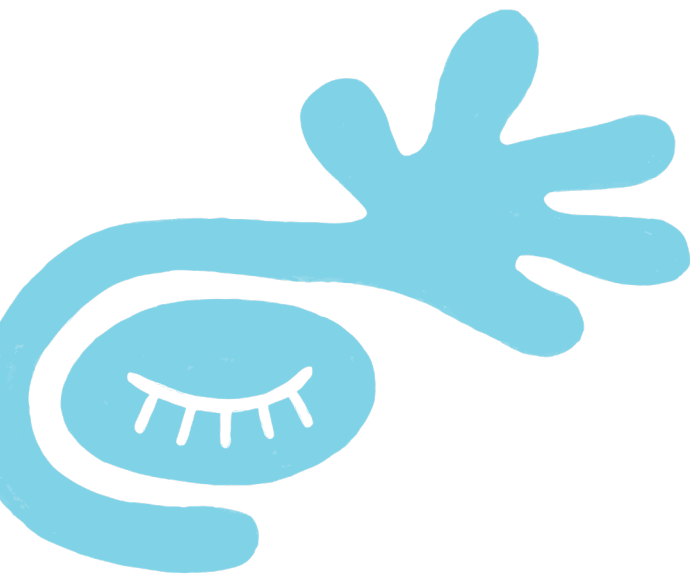
Police complaint optional



assojaq.org (French only),
csjr.org, equijustice.ca

Civil

lawsuit



I had no idea this was an option.
***We tend to think of the police
as our only recourse.***

Objectives of this approach

To seek financial compensation from the perpetrator for the harm they caused, such as lost wages or therapy costs.

*It's not about punishing the other person. The goal is to **get an amount of money to compensate for the damage** we've suffered in one way or another.*

How does it work?

You must apply to a court or speak with a lawyer yourself.

At trial, you will have to prove that the person committed sexual violence and that this caused you harm.



Court costs and lawyers' fees



Generally no time limit for sexual violence that caused physical or psychological harm



Police complaint optional

Compensation for victims of crime (IVAC)



“My social worker helped me with the application. It was a long process, but **it was easier than I thought it would be.**”

Objectives of this approach

To compensate you for lost wages or other expenses related to the crime, including professional counselling services like psychotherapy or psychosocial care.

It was hard to find a therapist who was used to working with LGBTQ+ people. When they're not familiar with our communities, you have to define certain words or explain sexual practices and behaviour to them, which can be really awkward.

How does it work?

You must fill out a form and meet the program's eligibility criteria. If you are eligible, IVAC will prepare a plan tailored to your needs.



Free



No time limit



Police complaint optional



ivac.qc.ca

Were you the victim of sexual violence

at work? The Commission des normes, de l'équité, de la santé et de la sécurité au travail (CNESST) may be able to compensate you. For more information, visit the CNESST's website: cnesst.gouv.qc.ca/en

If you are a unionized worker, speak directly with your union.

What to do if you experience discrimination when seeking help



The institutions that are supposed to help and protect us also misgender us. They told me I was confused about who I was.

Objectives of this approach

To report discrimination or harassment based on your sexual orientation or gender identity to the Commission des droits de la personne et des droits de la jeunesse (CDPDJ or Quebec's human rights commission).

The CDPDJ can, for example,

- correct the situation,
- raise awareness among the people at fault or the organizations in question,
- compensate the victim.

How does it work?

First, you must file a complaint with the CDPDJ. The CDPDJ will assess your complaint and open a file if it can intervene.



Free



No later than three years after the fact.

No later than six months after the fact if the situation involves a municipality or the police.



Police complaint optional



cdpdj.qc.ca

You can also file a complaint with the relevant professional orders or organizations, such as the Police Ethics Commissioner, the Canadian Judicial Council, the *Conseil de la magistrature du Québec* or the *Directeur des poursuites criminelles et pénales*.

Resources

***The more we talk about this,
the more we free ourselves!***
*It's so important to break the
persistent code of silence
surrounding sexual assault.*

Whichever process you choose, there are services that can listen to you, help you and support you in your efforts.

Sexual Violence Helpline

1 888 933-9007 | sexualviolencehelpline.ca

Crime Victims Assistance Centre (CAVAC)

1 866 532-2822 | cavac.qc.ca

**Regroupement québécois des centres d'aide et de lutte contre les agressions à caractère sexuel
(organization grouping sexual assault help centres in Quebec)**

rqcalacs.qc.ca

Designated Centres Providing Medico-Social Services for Sexual Assault Victims

1 888 933-9007 | en.serviceconseilqc.ca

Interligne

1 888 505-1010 | interligne.co

Rebâtir

1 833 732-2847 | rebatir.ca

*I wish I knew then how many different options there were... I want to tell other people who are going through this that **no matter the outcome, you are valid. Our choices and experiences are valid.***

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Éducaloi is a neutral and independent organization with recognized expertise in legal education and clear legal communication.