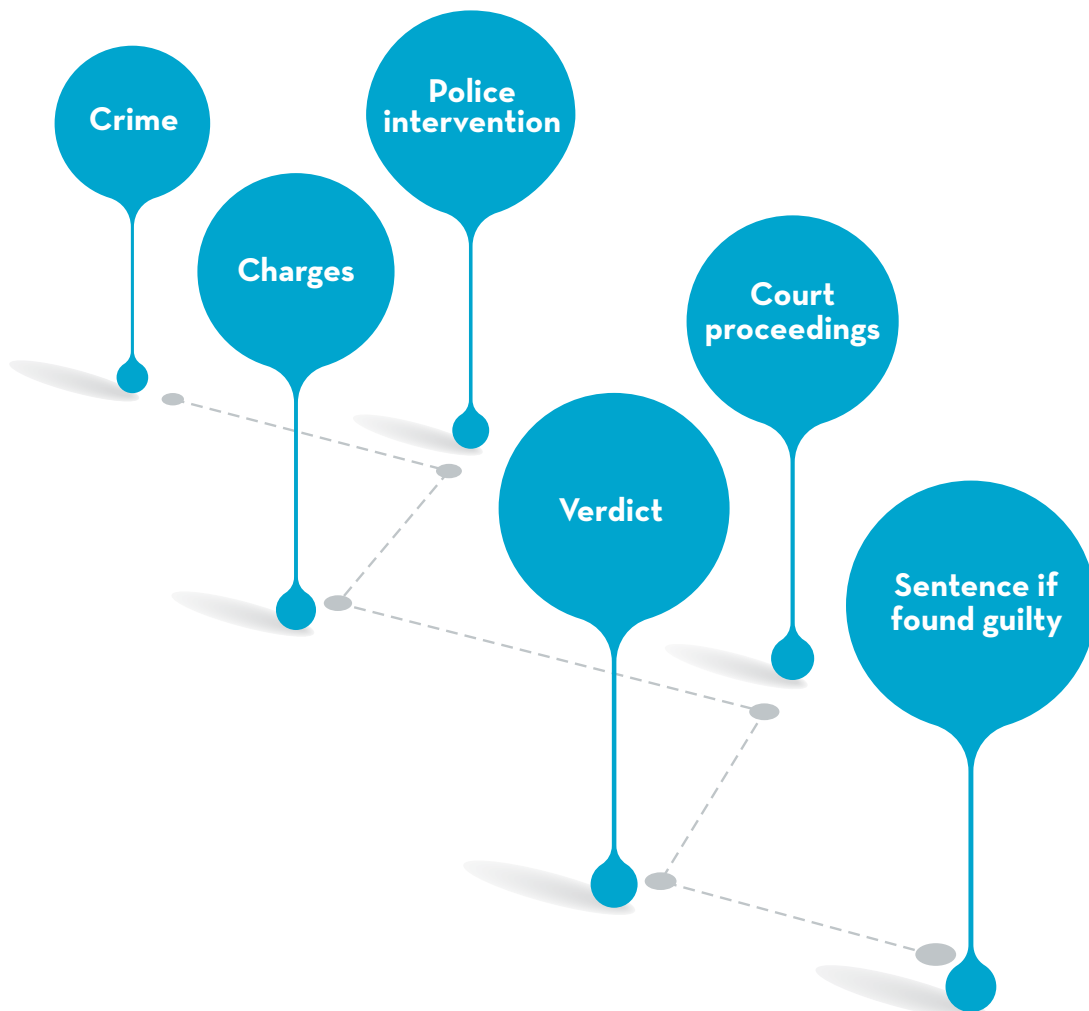


## Reference Guide

# Sexual Violence: Crimes and the Legal Process



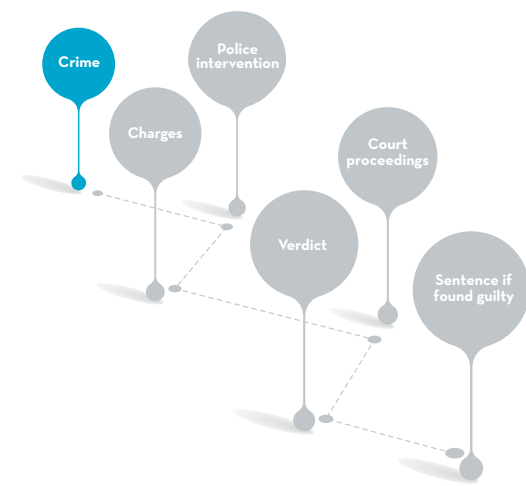
### Important Notice

The law is constantly evolving. The information in this reference guide is up to date to January 2022. This reference guide is meant as legal information, not legal advice.

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# Crimes

Crimes are defined in the Criminal Code.



The government takes the accused to court, not the victim.



The government is represented by criminal and penal prosecuting attorneys. They're also called Crown prosecutors.

MORE FROM ÉDUCALOI'S WEBSITE

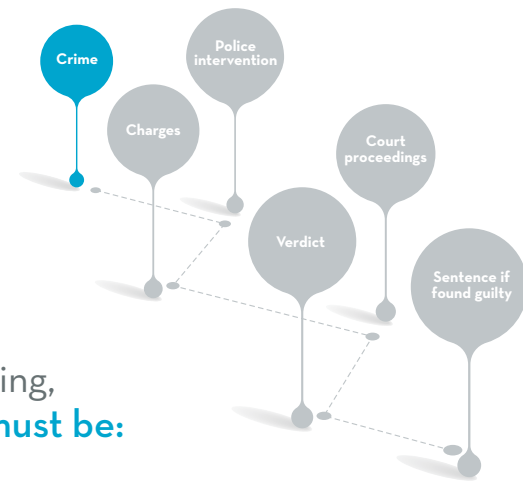
[Understanding Criminal Law](#)  
[Differences Between Civil and Criminal Cases](#)



# Crimes

## Sexual assault

**Sexual assault is sexual touching without the other person's consent.** Examples of sexual touching include kissing, fondling, and having sex. **To be valid, the person's consent must be:**



### Clear

The person must consent through words or actions.



### Given freely

The person must not be:

- forced or threatened into consenting, or
- compelled to consent because the other person is using or taking advantage of their role, position, or status.



### Conscious

The person must not be:

- unconscious or asleep, or
- severely intoxicated by drugs or alcohol.



### Informed

The sexual relations must not be based on a lie that could expose the person to a risk of serious harm or bodily injury.

The person **must also be old enough to give valid consent.**

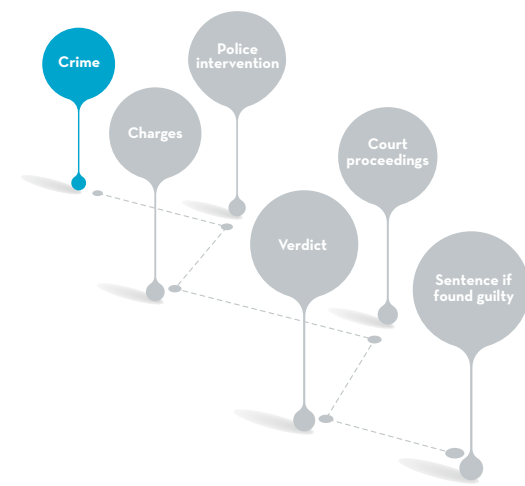
MORE FROM ÉDUCALOI'S WEBSITE



[What Is Sexual Assault?](#)  
[Sexual Consent](#)

# Crimes

## Age of consent



### Under the age of 16

Consent is valid if the partners respect the age differences provided by law.

Age of the younger partner	Age difference allowed between the partners
12-13 years old	Less than 2 years
14-15 years old	Less than 5 years

The older partner is committing a crime if they engage in sexual touching with someone who is younger than the allowed age difference. This is the case even if the younger partner says yes and even if their parents give permission.

### Under the age of 18

**No matter the age difference, consent is not valid if:**

- the minor's partner is in a position of trust or authority in relation to them, or
- the minor is dependent on their partner or is being exploited by them.

The imbalance in the relationship is the deciding factor, not the formal role or job title of the minor's partner. A judge will consider each situation on a case-by-case basis.

MORE FROM ÉDUCALOI'S WEBSITE

[Sexual Consent of Teenagers](#)



# Crimes

## Sexual crimes

Sexual assault is not the only sexual crime. **Other sexual behaviours can also be crimes. Sexual crimes can be reported to the police.**



sharing intimate images

voyeurism

nudity

luring

child pornography

sexual exploitation

sexual touching

indecent acts

## Domestic violence

**There is no specific crime called “domestic violence” in the Criminal Code.**

However, many acts of domestic violence can be crimes.

death threats or threats of injury

sexual assault

assault

theft

criminal harassment (stalking)

breaking and entering

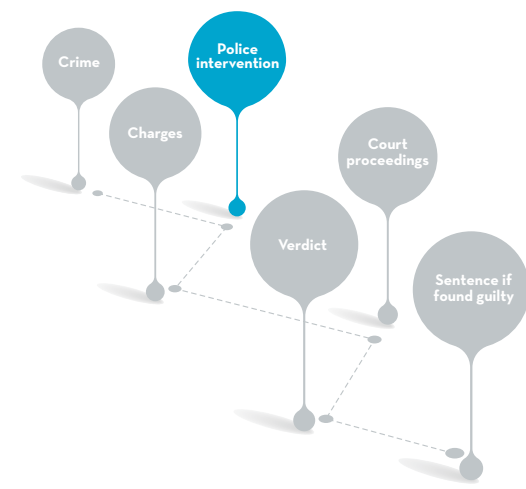
sharing intimate images

MORE FROM ÉDUCALOI'S WEBSITE

[What Is Domestic Violence?](#)



# Reporting a crime and police intervention



## Who can report a crime?

The victim or a witness can report a crime.  
[You don't have to report a crime to the police.](#)



### How to report a crime:

- Emergency: call 9-1-1.
- In other cases: contact the police station in your area.



### What happens when a victim reports a crime?

1. The police officer fills out a police report with some basic information.
2. The victim provides a statement, usually to an investigator. This statement is important and can be used during the trial.
3. If necessary, the police investigate.
4. The police decide if they will transfer the case to the criminal and penal prosecuting attorney (prosecutor).

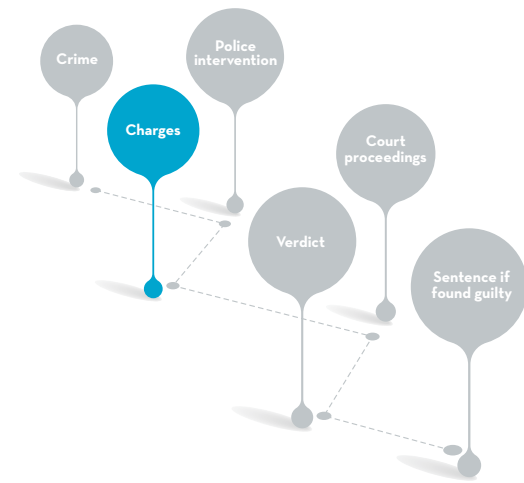
MORE FROM ÉDUCALOI'S WEBSITE



[Reporting a Crime to the Police](#)

[What Happens After a Complaint is Filed With the Police](#)

# Charges



## The criminal and penal prosecuting attorney (prosecutor)

1. analyzes the evidence provided by the police,
2. meets with the victim of the sexual crime, and
3. decides to charge the suspect if there's enough evidence.

The accused doesn't have to prove their innocence. Instead, the prosecutor must prove that the accused is guilty.

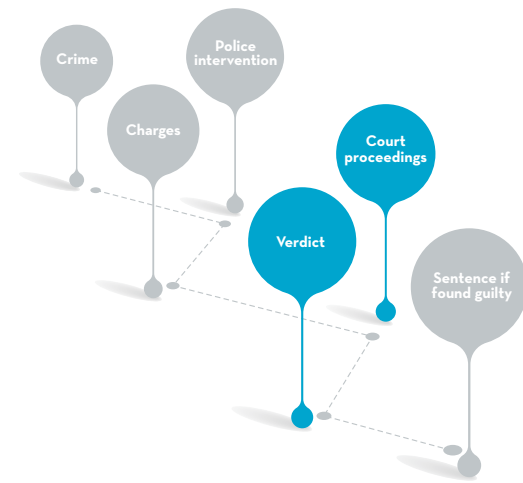
The prosecutor must convince the judge (or the jury) that the accused is guilty beyond a reasonable doubt.

MORE FROM ÉDUCALOI'S WEBSITE



[Deciding Whether to Charge a Suspect With a Crime: The Prosecutor's Role](#)

# Court proceedings and the verdict



When a person is charged with a crime, they must appear in court and **plead guilty or not guilty**. The accused usually has to go to court a few times before a trial date is scheduled.



Victims **only have to go to court if they receive a document** requiring them to testify. This document is called a subpoena (or an appearance notice).



Victims can ask for **special arrangements to help them testify**, like testifying in another room.



A judge (or a jury) decides whether the accused is **guilty or not guilty**.

MORE FROM ÉDUCALOI'S WEBSITE



[How Criminal Trials Work](#)  
[Testifying at a Trial as a Crime Victim](#)



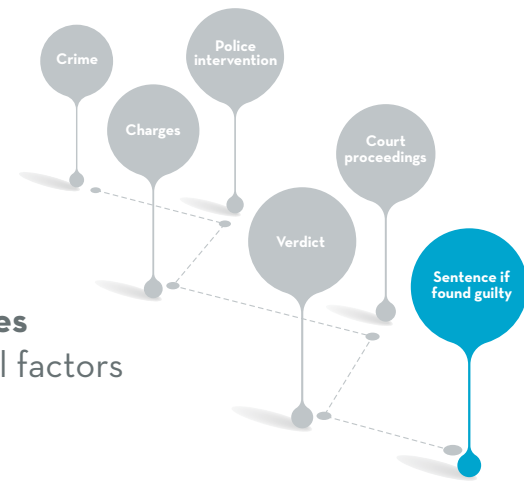
# Sentence



**If the accused is found guilty, the judge decides on a sentence.** The judge must consider several factors when determining a sentence.

The victim can write a [victim impact statement](#) and read it out loud to the court if they wish.

There are many kinds of sentences. Examples include probation (conditions the defendant must follow for a specific period of time), prison, and payment of compensation or a fine. A person who has been found guilty of a sexual crime may also be registered in the National Sex Offender Registry.



## MORE FROM ÉDUCALOI'S WEBSITE



[How Does a Judge Decide on a Sentence?](#)  
[Victim Impact Statement](#)



## Crimes Committed by Minors

The rules are different when a defendant was under the age of 18 when they committed a crime. A minor can be sentenced or face other consequences, but they will not necessarily go to court.

These sentences and consequences are adapted to minors and are not the same as what a judge would order for an adult.

### MORE FROM ÉDUCALOI'S WEBSITE



[Teens Accused of Crimes: Possible Outcomes](#)

[Steps in the Youth Court Process](#)

[Youth Sentences](#)

## Do you have a responsibility to report a situation to the Director of Youth Protection (DYP)?



**If you suspect that someone under the age of 18 is being sexually or physically abused . . .**

you must report this to the DYP.



**To report a situation to the DYP:**

[Call or write to the office in your region.](#)

You don't have to be 100% sure there's a problem.

DYP staff can offer guidance when you report a situation.

### MORE FROM ÉDUCALOI'S WEBSITE



[How to Report a Situation to the Director of Youth Protection \(DYP\)](#)

# Resources

**Victims can ask for assistance and accompaniment** throughout the process, whether or not they decide to report what happened to the police.

**Éducaloi:** [educaloi.qc.ca](http://educaloi.qc.ca)

**CALACS** (Quebec Coalition of Sexual Assault Centres): [rqcalacs.qc.ca](http://rqcalacs.qc.ca)

**Crime Victims Assistance Centre:** [cavac.qc.ca](http://cavac.qc.ca)

**Sexual Violence Helpline:** 1 888 933-9007 / [sexualviolencehelpline.ca](http://sexualviolencehelpline.ca)

**Rebâtir:** [rebatir.ca](http://rebatir.ca)

**NeedHelpNow.ca:** [link](#)

**SOS violence conjugale** (SOS domestic violence): [sosviolenceconjugale.ca](http://sosviolenceconjugale.ca)

**Interligne :** [interligne.co](http://interligne.co)

**Tel-Jeunes :** [teljeunes.com](http://teljeunes.com)

**Let's Talk Law:** [ajbm.qc.ca](http://ajbm.qc.ca)

**Guide for Higher Education Institutions** - Development of the policy prescribed by the *Act to prevent and fight sexual violence in higher education institutions*: [link](#)

## About Éducaloi

Éducaloi is a neutral and independent registered charity with recognized expertise in legal education and clear legal communication. Its mission is to explain the law to Quebecers in everyday language and enhance their legal competencies.

This reference guide was made possible with the financial support of the government of Québec.