

Native Legal Info

SEXUAL ASSAULT AND THE COMPLAINT PROCESS

Éducaloi, in collaboration with the Quebec Native Women's Association, presents Native Legal Info. It is intended to inform Aboriginal women of their rights and the legal actions that can allow them to defend those rights.

Helen filed a complaint with the police because she was recently the victim of a sexual assault. She had a lot of questions about the process that followed, so she spoke to her friend Anna about it. Anna suggested that she speak with Simone, who is a Crown Prosecutor.

Simone: Hi Helen, it's nice to meet you! Your friend Anna told me that you had filed a sexual assault complaint...

Helen: That's right, but I'm a bit uncomfortable talking about it...

Simone: I understand, but remember that I am not here to judge you! Anna told me that you wanted to know what happens after a complaint is made?

Helen: Uh-huh!

Simone: After you file a complaint, the police usually conduct an investigation. After gathering evidence, they will send the file to the Crown Prosecutors' Office. The Crown Prosecutor in charge of your file then examines the evidence to see if it is enough to lay sexual assault charges against your aggressor.

Helen: (sigh) This whole thing is really stressful! Can I withdraw my complaint?

Simone: Helen, the complaint you filed against your aggressor is now property of the public Minister! Therefore, only he can decide to withdraw it.

Helen: How long will it take before my aggressor passes before the judge?

Simone: I can't tell you exactly how long, because a lot of time can pass before even going to trial! There may be postponement throughout each step, which can lengthen the whole process!

Helen: Will I have to testify in court?

Simone: If the aggressor pleads not guilty and there is a trial, your testimony will be necessary, because you are the main witness in the case!

Helen: Hmm... I know that my aggressor was very drunk when he assaulted me. Can the fact that he was drunk help his defense?

Simone: No, alcohol consumption is not considered a defense in cases of sexual assault. This means that your aggressor cannot be acquitted by saying he was too drunk and doesn't remember anything!

Helen: I don't understand much about the judicial system, it's the first time I go through this kind of thing... It's a bit scary...

Simone: If you need support, you can call CALACS, an organization that provides specialized services for women who have been sexually assaulted. The workers can listen to you, give you information and even accompany you throughout the legal process.

Helen: Thanks, I didn't know such organizations existed; I am going to call tomorrow... Thank you for the taking the time to answer my questions!

Simone: It's my pleasure to help you, and don't hesitate to call me if you have any more questions!

If you have made a complaint following a sexual assault and need support, don't hesitate to contact the CALACS office in your area. There are 23 local CALACS throughout Quebec.

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