

Native Legal Info

CONJUGAL VIOLENCE

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.

Sonia and her daughter Stephanie came to the women's shelter seeking refuge. Sonia was beaten by her husband, John. This time, he really let her have it. Sonia has a broken nose and two black eyes, but even more painful is the fact that Stephanie sees her this way. She hesitated a long time before filing a complaint. But this time, John has gone too far. Sonia finally decided to fill a complaint!

Sonia asked to meet with an intervention worker who could inform her about what happens after one files a complaint.

Julie: Hi Sonia, my name is Julie. I am here to answer your questions and to help you. How are you feeling today?

Sonia: Not too bad, my nose still hurts and I'm really nervous.

Julie: What is making you so nervous?

Sonia: This is my first time filing a complaint. I have never dealt with the judicial system before, not even the police! I have no idea what to expect.

Julie: You said that John was in prison right now?

Sonia: Yes, that's right! What is going to happen next?

Julie: The Crown Prosecutor will lay assault charges against him. John will have to appear before the judge to plead innocent or guilty to the charges. Then, the judge will decide whether to let John go or keep him in prison.

Sonia: Can John get out of jail?

Julie: There is a chance that the judge lets him go, but if he does, it will surely be under strict conditions. For example, he will certainly not be allowed to communicate with you, come near you, or even be in the same area as you are. But if he should speak to you or want to see you, call the police! He will be arrested and probably held until his trial.

- Sonia: He is a real brute and I hope he stays in prison for a long time! What happens after that?
- Julie: If John requests a preliminary inquiry, it will be conducted first. A is kind of like a rehearsal for the trial. You may be called to testify at the preliminary inquiry as well as the actual trial.
- Sonia: Will I have to testify in court?
- Julie: Your testimony is essential. You are the best person to tell the judge what happened. I know it's not easy, but it is necessary...
- Sonia: It sure isn't easy. Just the thought of having to go to court makes me nervous. Imagine how I'm going to feel when I'm testifying. Do you think he will be there?
- Julie: Unfortunately yes, it's his right to be present!
- Sonia: I don't feel good and I'm afraid of what's to come. Can I withdraw my complaint?
- Julie: Normally, once you file a complaint, you cannot change your mind, only the public minister can make a decision on the case. But Sonia, I assure you that you did the right thing. It had to stop. Who knows, maybe his next victim could have been your daughter.
- Sonia: But I'm scared to go through it alone.
- Julie: It's important that someone accompany you to court. If you like, a worker from the shelter can go with you.
- Sonia: Oh yes! That makes me feel a bit better. Thank you so much for taking the time to explain all of this to me.

If you are a victim of conjugal violence, don't hesitate to call SOS violence conjugale at 1-800-363-9010. This is a bilingual telephone service, accessible 24 hours a day, 7 days a week.

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