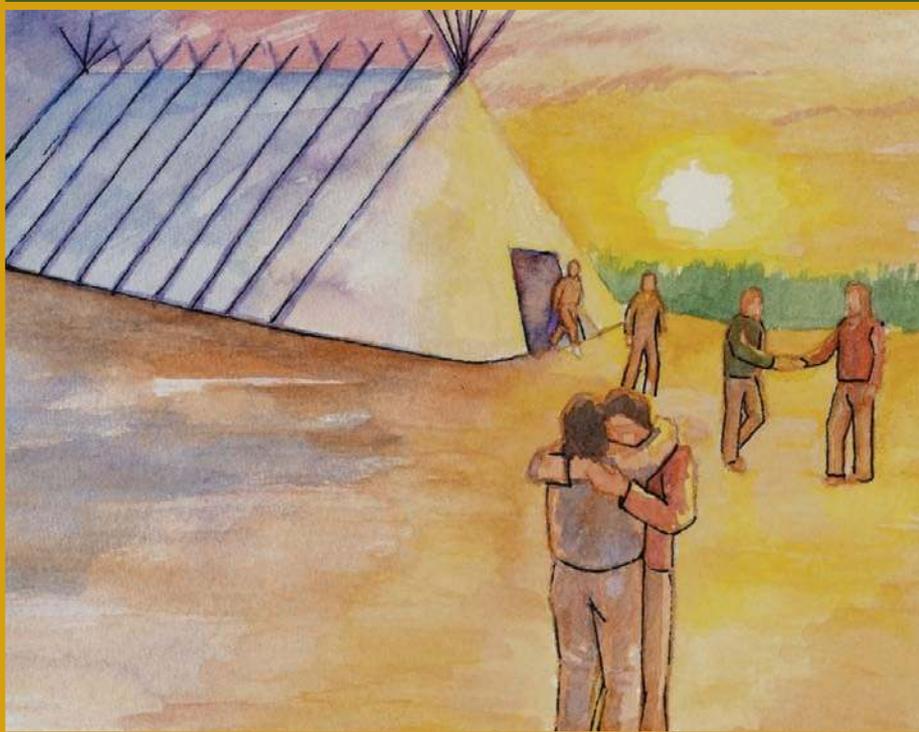




CRIME VICTIMS
ASSISTANCE CENTER

Support, Help and Resources

Daring to break the silence for individual, family and community healing



*An information and explicative guide
to denouncing violence, including
legal proceedings*

This guide is a CAVAC Saguenay–Lac-St-Jean project

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Background

We often hear about the different social issues, and the violence within Native communities. For many First Nations, those issues take root in their history. Historical research has shown that Canada's Native peoples were in good physical and mental health before colonization¹.

Oppression, which started during colonization and continued throughout the institution of the Indian Act, contributed to the degradation of community spirit and led to the emergence of social and health problems among Native peoples. The Government had at the time established numerous policies which considerably harmed the Native peoples of Canada; for example, children over five years of age had to be sent to schools and boarding establishments. It is widely known today that many of those children, now adults, parents and grandparents, suffered physical, psychological, and even sexual abuse. Violence is often passed on from one generation to the next. Indeed, many Native people have reproduced this type of violence. Others have unwittingly become repeat victims of such violence. Today, the repercussions of the Indian Act have been recognized and can be directly related to the high occurrence of violence among First Nations.



Violence never did fit
into the
Native value system,
and is not a
Native value still

¹ Royal Commission on Native Peoples of Canada, 1991.

Background

Today, the healing process has begun for a great number of Native individuals and communities. It takes a lot of courage to face the traumas to which they have been subjected, in order to better understand the consequences on their daily lives and make sure the same mistakes are not repeated. The healing process includes individual, familial, and the community, it is a monumental challenge, but has often been deemed crucial to improved individual and collective well-being. Healing requires confidence and speaking out is an essential step of the process.

**Together, let us break the
silence and put an end
to violence.**

**We are all part of the
solution!**

What is the purpose of this guide

This guide is aimed towards the victims of violence, as well as their families and friends. It can be used as a tool in the healing process of these individuals. Indeed, it gives its readers a chance to better understand their situation, and their emotional state following an act of violence. The guide also proposes support services for the victims of violence, and informs on the steps they can undertake when faced with violence.

The main objective of this guide is to raise awareness as to the importance of breaking the silence in order to let the healing begin...

The guide aims to:

- ◆ Allow victims of violence to identify themselves as such, and to put their experience into words;
- ◆ Comfort victims with regard to their reactions following an act of violence;
- ◆ Inform victims of violence about their rights and available resources;
- ◆ Help parents to support a child victim of violence;
- ◆ Help a family member to support a close relative who is a victim of violence;
- ◆ Clarify the complexities of complaint procedures and penal justice system.

**Let us break the silence and put an end to violence!
For ourselves! For our children!
For future generations!**

No one has the right to do you harm

Violence rarely occurs in a sudden or extreme fashion. Often, it occurs in a progressive manner and cannot be stopped instantly. Contrary to popular belief, victims of violence usually know their offenders. It could be a friend, an acquaintance, or a family member. Victims can continue loving those who have harmed them. It is not the individuals as a whole, but their words, their actions, and their violent demeanour that are unacceptable.

*Violence is a means for offenders to **control** someone else. It can be expressed in different ways, such as:*

Physical: Physical act aiming to hurt or injure someone. Offenders may or may not use objects to harm others.

E.g.: Pushing, shaking, hitting, slapping, punching, pinching, striking objects and animals, and throwing objects.

Emotional or psychological: Offenders use attitudes, gestures, behaviours, and/or words to create a state of fear, terror, and/or emotional hurt.

E.g.: Using hurtful language, insulting, menacing, accusing, humiliating, belittling, denigrating, isolating, and depriving of human warmth and affection.

No one has the right to do you harm

Verbal: Offenders denigrate, belittle their victims using humiliating language, threats, and/or make them feel guilty through insults.

E.g.: Screaming, yelling, insulting.

Financial or economical: Offenders control the financial resources of the family or victimized individuals.

E.g.: Depriving of money, stealing or misappropriating money, keeping one from working, restricting access to money.

Sexual: Offenders force their victims to commit unwanted sexual acts or try to make sexual contact.

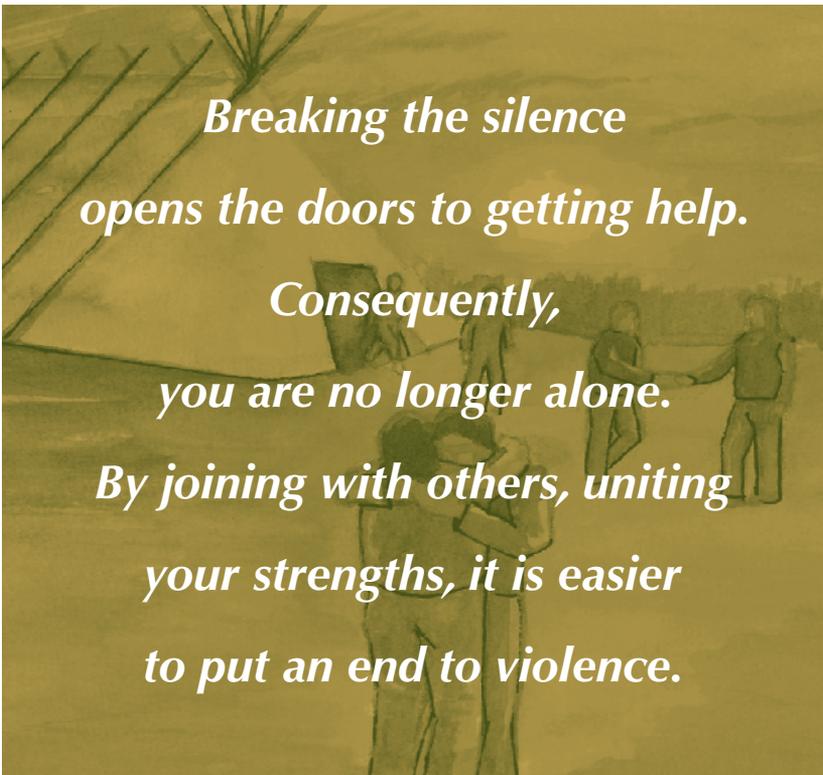
E.g.: Forcing contact of sexual nature, rape, sexual harassment, forcing sexual acts with animals or objects.

Spiritual: Offenders denigrate and refute the religions or beliefs of others in order to control and dominate them.

E.g.: Keeping them from taking part in spiritual rites, laughing at spiritual rites, refuting one's beliefs.

No one has the right to do you harm

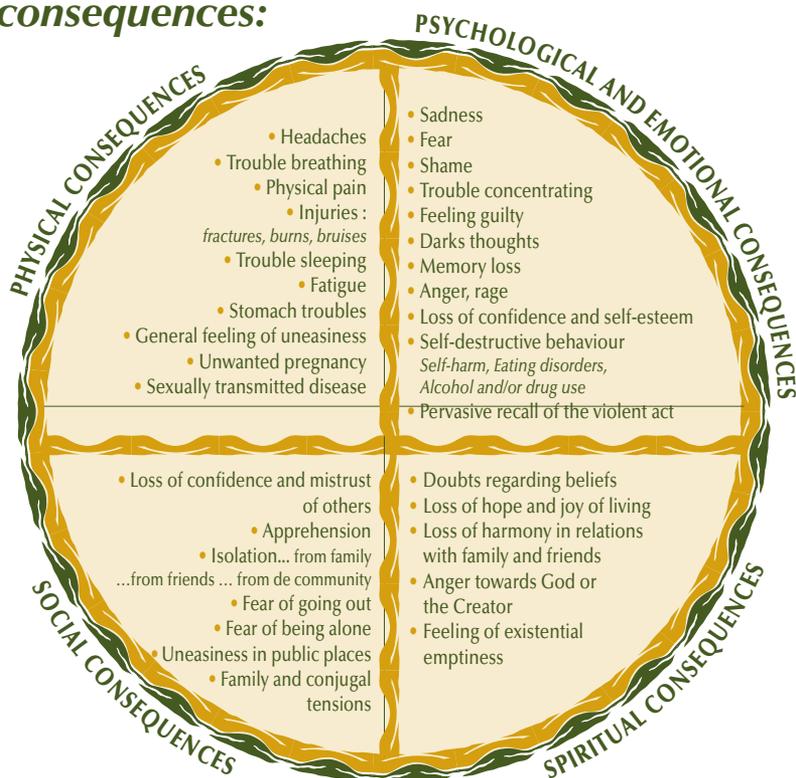
Assistance is available to help you put your experiences into words, to express how violence can affect certain aspects of your life. Asking for assistance from a caseworker or counsellor can also help you to identify your limits in terms of the violence you are subjected to and find means to protect yourself. Your safety and well-being are important.



The repercussions of violence

You are a victim of violence and you feel terrible: that is absolutely **NORMAL**. Acts of violence can leave visible and/or invisible scars on victims. Victims of violence can experience different consequences, which can vary from one person to the next. The repercussions of violence can affect various aspects of your life.

The following are some of the possible consequences:



Do not hesitate to ask for help from a caseworker or counsellor. They will help you to name and understand the perceptions and feelings you have been living with since the events occurred.

Putting an end to violence is not an easy task

It may be very difficult for you to put an end to the violence in your life. It is never easy to denounce violence, especially when it is the work of someone within your social circle. Victims of

Denial

Victims often know their offenders. Therefore, it may be difficult for victims to admit someone close is subjecting them to violence. They may believe or try to convince themselves that behaviours in question are not acts of violence.

Blame

Victims may fear taking the blame for the acts of violence. Offenders may also convince their victims that it is their fault, and victims may start to believe, wrongly, that they deserve to be assaulted.

Shame

Victims may feel guilty and embarrassed that someone is subjecting them to violence. They may not want it to be known.

Fear of not being believed

Violence is often concealed, meaning that it occurs only when the victim and offender are present. Victims can, therefore, fear that no one will believe them.

Putting an end to violence is not an easy task

Fear of retaliation

Victims may also fear their situation could get worse if they try to get help or if they alert the police. For example, offenders may threaten to hurt their victims or their children if they denounce the aggression.

Loyalty

Victims may refuse to seek help because they do not want to get their offenders into trouble.

No place to go

Victims may fear there is nowhere they can go to find safe refuge.

Fear of winding up alone

Victims may fear they will have to leave their families, friends, and/or communities in order to get away from the violence. They may also fear being alone.

One of the parents may become separated from their children

An offender may be a spouse. If a victim is faced with the idea of leaving with the children to protect themselves, they may believe that keeping the family together is the better solution.

Putting an end to violence is not an easy task

Shortage of money

Victims may fear they will run out of money and not be able to fulfill their needs and those of their children, if they leave the family or put an end to their relationships with their offenders.

Fear of becoming separated from their children

Victims may fear their children will be taken away by the Children's Aid Society if they report acts of violence to the police.

Caseworkers or counsellors from different organizations are there to listen to your concerns regarding the violence in your life. They can also inform you about your rights and whom you can turn to for help when facing these difficulties.



Despite the difficulties above, breaking the silence is still possible. Allies can help you to see the various solutions that are available.

What can you do if you are a victim of violence

CALL THE POLICE IF YOU FEAR FOR YOUR SAFETY AND THAT OF YOUR CHILDREN.

SEE A DOCTOR OR NURSE AS SOON AS POSSIBLE IF YOU HAVE INJURIES OR PHYSICAL DISCOMFORT.

PLAN AND TAKE MEASURES TO PROTECT YOURSELF.

Your safety is essential. CAVAC(Crime Victims Assistance Centre) caseworkers or counsellors can help you to take actions that will make you feel safer.

FIND SOMEONE YOU CAN TALK TO (friends, family members, social or health workers).

There are people who can help you!

Asking for help is the first step to changing a situation.

What can you do if someone tells you they are a victim of violence

LISTEN to what they have to say.

BELIEVE WHAT THEY TELL YOU AND KEEP FROM JUDGING THEM. If the victim feels that you believe them, they may feel better, no longer alone. That may give them the confidence they need to move forward.

ENCOURAGE THEM IN THEIR PROCESS and accompany them if needed. Encourage them to seek help from professional case-workers, counsellors or the police.

HELP THEM TO PLAN AND TAKE MEASURES TO PROTECT THEMSELVES. Consult a social service or a CAVAC caseworker or counsellor, or any other professional who can help victims with ways to protect themselves.

*** When the victim is a child, every adult is obligated to help and protect them by reporting the situation.** The Youth Protection Act has resources in place to ensure the safety of youth under 18 years of age and see to their proper development.

SEEK HELP FOR YOURSELF. Find someone you can trust and tell them how you feel. You may also experience emotional ups and downs relative to the situation of violence.

Denouncing violence, a first step

Breaking the silence and putting an end to violence in communities is essential. There has been enough suffering, let us now take a look at what can be done to improve our lives and those of our children.

Everyone can help to put an end to violence. Whether you are a victim or someone near you is, there are people who can help you and listen to what you have to say. Together, let us break the silence and reclaim our right to speak out!

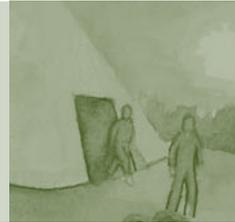
Some communities have programs in place which allow victims to break the silence and talk about what they have been through, and help them denounce the violence. You can contact the social services in your community for information about the available solutions and support that can help you feel safer and put an end to the violence.

Moreover, other means such as making a complaint to the police or legal proceedings can be undertaken in order to denounce and stop the violence. **You must keep in mind that you are not alone.** Professional resources are available to help you better understand how the process works. CAVAC caseworkers and counsellors can guide you through the various steps that need to be taken.

Is violence a criminal act

No one has the right to harm another human being. Violence is unacceptable and many acts of violence are forbidden by law: they are crimes. There are two types of criminal acts stated in the Criminal Code: crimes against people and crimes against property.

CRIMES AGAINST PEOPLE are acts of violence with physical and/or psychological effects on individuals:



Battery: Term used by the common law jurisdictions which involves injury or other contact upon a person in a manner likely to cause bodily harm (with or without weapons or threats).

E.g.: Someone punches you in the stomach;

Your spouse slams your head against a wall.

Assault (threats): An act that causes another to believe that they will suffer immediate and personal violence.

E.g.: Someone says to you “I’m going to hit you” with their fist in the air;

Your friend threatens to kill you or mimes a gun pointed in your direction.

Is violence a criminal act

Aggravated theft: Taking the property of another through physical force or threats. Extortion in schools can be considered a form of aggravated theft.

E.g.: Someone threatens you with a stick to take your handbag;

A student at school holds you down by force while another takes your money.

Sexual assault: Sexual contact or attempted sexual contact with an individual without their consent. Sexual assault can consist of indecent acts as well as some forms of exhibitionism.

E.g.: You spouse forces you to have sexual relations;

A person displays their genitals in front of you.

Incest: Sexual contact between blood relatives (father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, etc.).

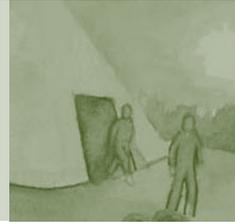
Harassment: Behaviour or demeanour which leads a victimized person to believe he/she is followed, spied upon, aggravated, and to fear for his/her own safety or that of another. Harassment involves repeated acts.

E.g.: Your ex-boyfriend follows you everywhere you go;

A co-worker sends you a series of injurious messages.

Is violence a criminal act

CRIMES AGAINST PROPERTY consist in damaging, stealing, or illegally obtaining goods or property.



Breaking and entering: Entering premises illegally and with the intention of committing a criminal offence.

E.g.: Someone breaks a window and enters your house in order to steal objects.

Simple larceny or fraud: Obtaining goods or money illegally, without committing violence against someone.

E.g.: Someone steals merchandise from a store.

Misdemeanour: Destroying or damaging personal property (jewellery, clothes, furniture, car, etc.)

E.g.: Someone damages your personal belongings (jewellery, clothes, furniture, car, etc.).

Lodging a complaint with the police

To ensure your safety and that of your children, you can go to the police station and lodge a complaint against the offender. You can also telephone the police and ask them to meet you at the crime scene or any other convenient location.

Over and above ensuring your safety, the police will also take down your declaration (deposition) of the facts. They will ask you questions on what happened (Around what time did the aggression occur? Were you alone? Were you subjected to physical violence?). They will take notes and ask you to sign your deposition.

Depending on the circumstances surrounding the event, the severity of the act and/or the danger the offender may cause to public safety, the police authority may decide to detain the individual until their court appearance. In other situations, they may decide not to detain the offender, but let them go under certain conditions until their next court appearance. For example, they could forbid them to contact you or go to your home. You must tell them your fears, police will take that into account when they set the conditions of the offender's release.

ONCE THE POLICE HAVE FINISHED THEIR INVESTIGATION, the file is submitted to the Prosecuting Attorney, who examines the file and decides if accusations will be made against the offender. This is called **laying charges**, and **THAT IS THE BEGINNING OF THE LEGAL PROCEEDINGS.** If no charges are laid, there is no follow up to the complaint.

Criminal justice

The following are the various steps of legal proceedings. Those accompanied with a star (*) mean that you may have to testify.



Criminal justice

THE COURT APPEARANCE is the time at which the accused is informed of the accusations against them. At this point, the accused can plead guilty or not guilty. If they plead guilty, they admit to having committed a crime, and you will not have to testify. However, they may decide to plead not guilty and consult a lawyer. That person is called a “Defence Lawyer”.

THE INVESTIGATION FOR RELEASE WITH CONDITIONS is carried out in circumstances where the accused has been held since the complaint was lodged with the police. This is done to determine if the accused can be released or detained throughout the proceedings. You may be asked to testify at this time, to explain why you fear for your safety. If the accused is released certain conditions will be established until their next court appearance. For example, they could be forbidden to contact you or go to your home. If those conditions are not complied with, you must notify the police immediately.

THE PRELIMINARY INVESTIGATION is a step by which the judge makes sure they have sufficient (enough) proof against the accused to proceed. If there is not enough proof, the legal proceedings are stopped, and the charges against the accused are dropped. If there is sufficient proof, a new court date is set. You could receive an injunction (subpoena) to testify in the mail. At this court appearance, you will be asked to testify as to (tell) the facts.

THE TRIAL is the proceeding by which the accused is found guilty or not guilty of the charges against them. Your testimony is a crucial part of the process, as it allows the Court to become acquainted with the events.

Criminal justice

THE VERDICT is the step by which the judge decides if the accused is guilty or not guilty. If the accused is found not guilty, they are acquitted. However, if they are found guilty, the judge decides on the appropriate sentence.

SENTENCING is the process by which the judge determines what the penalty will be. At this juncture and if you consent, you may be asked to testify orally or in writing, to let the judge know about the impact of the crime had on your life.

CAVAC caseworkers and counsellors can support you throughout the legal proceedings.

Various services are available to victims of violence, their families and friends, and to witnesses:

- ◆ Description of the major aspects of legal proceedings;
- ◆ Information on the conditions the accused will have to comply with, either on conditional release or after sentencing;
- ◆ Step-by-step information on the legal proceedings;
- ◆ Support in court;
- ◆ Description of the steps involved in testifying.

The most frequently asked questions about criminal justice

Here are a few frequently asked questions by people involved in criminal justice proceedings:

WILL I BE ALLOWED TO TESTIFY IN MY OWN LANGUAGE?

If you speak a language other than that usually spoken in the courts, a legal interpreter will be assigned to you, thus respecting your rights.

CAN I WITHDRAW MY ACCUSATIONS?

Once your complaint has been registered, it cannot be withdrawn as it becomes the property of the Department of the Public Prosecutor, represented by the Prosecuting Attorney.

WILL I HAVE TO PAY A LAWYER TO DEFEND ME?

No, in criminal justice, the lawyer who lays charges against the accused is paid by the Department of the Public Prosecutor and is called a “Prosecuting Attorney”. You can communicate with them if you have specific questions regarding your situation.

The most frequently asked questions about criminal justice

WILL I BE OBLIGATED TO TESTIFY IN COURT?

If the accused pleads not guilty, the case has to go to trial. Since you are in the best position to tell the court what you have been through, your testimony will be required. If you work, your employer is required to give you time off for all court appearances.

I WILL MISS A DAY'S WORK. WILL I BE PAID ANYWAY?

You will not be paid for your day off work. On the other hand, the Public Prosecutor has a measure called "Taxation of Witnesses" to compensate those who receive a criminal court injunction (subpoena).

WHO WILL MEET ME ON THE DAY I TESTIFY

A CAVAC caseworker or counsellor will meet you to answer your questions and support you, even inside the courtroom when you are called on to testify. The police officer in charge of your case can also meet with you to let you reread your declaration. The Prosecuting Attorney usually meets with the victims and witnesses before their court appearance.

The most frequently asked questions about criminal justice

WILL THE ACCUSED BE PRESENT IN COURT DURING MY DEPOSITION?

Yes, the accused will be there. However, most courthouses have a reception room for victims and witnesses, to which the accused is not admitted. While you are testifying, if the accused is represented by a lawyer, he/she will ask you questions. The accused will have to listen to your answers without interrupting. Moreover, special security officers are in the courtroom to ensure security. You can also speak to the Prosecuting Attorney about the possibility of avoiding visual contact with the accused.

IS IT NORMAL TO BE NERVOUS ABOUT MAKING A DEPOSITION?

Yes, it is absolutely normal to feel nervous about testifying. That is why you can ask for the support of a social worker or family member when you appear in court. A CAVAC case-worker or counsellor will be on hand to explain the procedures to you, answer any questions, and give you the necessary support.

In order to help reduce the stress caused by legal proceedings, do not hesitate to ask for assistance from a caseworkers or counsellors. Certain organizations, such as CAVAC, can answer your questions and help to alleviate your concerns concerning the legal proceedings and your testimony.

It can be done

We hope you found the information in this guide helpful regarding your situation. The professionals at CAVAC found it essential to give you as many resources as possible, so that you are well informed in order to make your own choices. We hope this will help you to take control of your own life, find your own way.



The road to healing can seem endless. However, do not forget that professionals are there to support you along the way. It is also important that your family and friends, and the people you can trust, be there for you. The first step, asking for help, is often a difficult one, but it also liberates you. It helps to break the isolation caused by the violence. Talking to someone who is ready to listen, to support you along the way, will most certainly help you to find strength and hope during the difficult times.



We would like to emphasize the courage and determination that the road to healing requires. But courage is often contagious; it can lead to other people in your community or your social circle to break the silence, too. Every little step taken by individuals can grow into giant steps for a community today and future generations in their struggle to put an end to violence. And, together, we can do it...

Help is available

Various resources offer expert services to victims, their families and friends, as well as to witnesses of acts of violence. Moreover, victims of violence and their close relatives can have access to a number of useful resources. Please contact the organizations listed below to obtain information about the services available.

RESOURCES

CAVAC (Crime Victimes Assistance Centres)

Make first-rate services available to victims of crime and their families and friends, and witnesses of crime. CAVAC can help whether or not the offender has been identified, arrested, charged, or declared guilty. CAVAC offers the following services:

- Post-trauma and psychosociojudicial assistance
- Rights and recourse information
- Technical assistance for filling in various forms
- Legal, communal, and medical guidance
- Orientation with expert services

To reach CAVAC in your region:

1 866 LECAVAC (532-2822)

www.cavac.qc.ca

Help is available

CALACS (Sexual Assault Crisis and Prevention Centres)

Inform and provide support and guidance to women 14 years of age and older who are victims of sexual abuse, in order to help them live with the repercussions of such a crime. Offers prevention, education, awareness, and defence of rights.

To reach CALACS in your region: 1 877 717-5252

Centre de Prévention du Suicide (CPS) (Suicide Prevention Centre)

Phone-line for suicide and self-destructive behaviour prevention; free and anonymous 24h/day for distressed or suicidal individuals, their families and friends, and those mourning a victim of suicide. Offers intervention and listening services to families and friends mourning the death of a suicide victim.

To reach a CPS in your region: 1 866 APPELLE (177-3553)

Opitciwan Social Services Centre

Maintains and improves the mental powers of individuals to help them develop harmoniously, be active in their communities, and achieve the roles they want to play individually, with in the family, and community level. Supports community members in their search for improved well-being; by assuring support from experts and the social professionals, in order to protect individuals; as well enduring that emergency services are accessible to everyone, all the while preserving individual freedom.

www.opitciwan.ca • 819 974-8871

Help is available

Opitciwan Health Centre

Offers a range of health care and social services to the population: nurses alternate between clinical work, and a number of different programs. A few doctors and dentists come to Opitciwan regularly to serve the population. Offer emergency services 24h/day.

www.opitciwan.ca • 819 974-8822

Opitciwan Sikon Project

Gives the population an opportunity to better understand the current suffering within the community and the physical and sexual abuse that the boarders are sometimes subjected to. Continues their efforts to break the silence regarding the consequences of abuse: in an effort to improve living conditions for the Opitciwan community.

www.opitciwan.ca • 819 947-8871

Mashteuiatsh Health, Social Services and Leisure

Ensures Pekuakamiulnuatsh receive the services they need to achieve better health and improved well-being for a better future and a fuller development. Offers various physical, and mental health programs to the entire population.

www.mashteuiatsh.ca • 418 275-2473

***You can call the Health and Social Service Centre
in your community to find out more about
the services they offer***

Help is available

Youth Centres

Offer psychosocial, adaptation, rehabilitation, and social integration services needed by young people, in accordance with the Youth Protection Act, Youth Criminal Justice Act, and Health and Social Services Act.

To find a Youth Centre in your region, contact the Association des Centres jeunesse du Québec.

www.acjq.qc.ca • 514 842-5181

CLSC (Local Community Health Service Centres)

Offer first-rate health and social services to communities: prevention, curative, rehabilitation, and deinstitutionalization.

To find a CLSC in your area, call Info-Santé or Info-Social by dialling 8-1-1

Info-santé / Info-social Help-lines

Offer services over the phone 24h/day, 7 days/week for information, orientation, professional advice, health and social service advice.

Info-Social services are available in several Québec regions. One number for the entire

Help is available

Native Para-judicial Services Of Québec

Offer legal advice and assistance to Native individuals experiencing trouble with the law. Inform and assist clients to make sure they receive just and fair treatment throughout the legal proceedings that are foreign to Native values and customs.

To find a para-judicial consultant in your region

www.spaq.qc.ca • 418 847-2094

S.O.S Violence Conjugale

Refers, the victims of conjugal violence, and their children, as well as single mothers in trouble to assistance and housing resources: 24h/day, 7 days/week.

www.sosviolenceconjugale.ca • 1 800 363-9010

To find a housing centre for women victims of violence or in trouble near you, call S.O.S. violence conjugale



Help is available

RECOURSES

National Parole Board (NPB) and Correctional Service Canada (CSC)

Services for victims of crime

Upon request, supplies victims with specific information about their offender. The NPB can inform the victims of the decisions made by the NPB and CSC regarding the offender. The NPB offers victims the opportunity to present information which could help in the decision-making process.

www.npb-cnlc.gc.ca • 1 866 789-INFO (4636)

CSST (Occupational Health and Safety Commission)

Makes sure workers victimized in the workplace receives the necessary treatments, physical, social and professional rehabilitation, as well as payment of indemnities resulting in bodily damage, and or a death.

www.csst.qc.ca • 1 866 302-CSST (2778)

Help is available

Request for cancellation of a residential lease due to violence or sexual aggression

Authorizes the cancellation of leases for victims whose safety or that of their children is threatened due to violence by a spouse or former spouse, or due to sexual abuse.

**For further information, call CAVAC
1 866 LECAVAC (418 532-2822)**

IVAC (Indemnification for Victims of Crime)

Offers services to remedy the consequences of trauma and gives guidance during rehabilitation. Ensures services, such as an indemnity, and physical or psychological rehabilitation to victims of crime.

www.ivac.qc.ca • 1 800 561-4822

Alternative mode for settlement of conflicts

Administers, validates and resolves requests for indemnification for physical and sexual cruelty in a safe and respectful manner; avoids legal proceedings.

1 800 816-7293

Phone-help line for Native boarders

**Support to former Native boarding school students.
1 866 925-4419**

Help is available

SAAQ (Société de l'Assurance Automobile du Québec)

Guarantees fair indemnification to road accident victims in accordance with the Régime d'assurance automobile du Québec.

In Québec : 1 888 810-2525
Outside Québec : 1 800 463-6898
www.saaq.gouv.qc.ca

Québec Correctional Services and Québec Parole Board

Services for victims of crime

Upon request, offers victims specific information regarding offenders who subjected them to physical or psychological abuse. Allow victims to make written depositions which could be used in evaluating the risk a sentenced offender poses to society.

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