



# Break<sup>the</sup>Silence

**Guide for women victims of domestic violence**  
or anyone interested in learning more about the subject.

**This guide was produced by the Table de concertation en violence conjugale et agressions à caractère sexuel de Laval (TCVACSL - Laval domestic violence and sexual assault steering committee)**



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TABLE DE CONCERTATION EN **VIOLENCE CONJUGALE**  
ET **AGRESSIONS À CARACTÈRE SEXUEL** DE LAVAL

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Imprimerie Lebonfon Inc.

**This guide was produced with the financial support of:**

**Agence de la santé  
et des services sociaux  
de Laval**



**Secrétariat à l'action  
communautaire  
autonome  
et aux initiatives  
sociales**



4<sup>th</sup> revised edition  
1<sup>st</sup> impression - 2011  
Legal deposit - 2011  
Library and National Archives of Quebec  
Library and Archives Canada  
ISBN 978-2-9811532-2-7

# TABLE OF CONTENTS

Table de concertation en violence conjugale et agressions à caractère sexuel de Laval.....	4
What is Domestic Violence.....	5
Domestic Violence or a Lovers’ Quarrel?.....	8
The Many Forms of Violence.....	11
The Cycle of Violence.....	14
Violence always has Consequences.....	18
Realization.....	19
Decision and Actions.....	21
What about the Children?.....	23
Next Steps.....	26
Understanding the Legal Process.....	28
Bibliography.....	41
Resources.....	43



## **TABLE DE CONCERTATION EN VIOLENCE CONJUGALE ET AGRESSIONS À CARACTÈRE SEXUEL DE LAVAL (LAVAL DOMESTIC VIOLENCE AND SEXUAL ASSAULT STEERING COMMITTEE)**

In 1985, the Prélude shelter and the Carrefour d'hommes en changement (CHOC) jointly founded the Table de concertation en violence conjugale de Laval. They were concerned by the lack of knowledge about domestic violence, and especially by the lack of coordination among the organizations specifically dedicated to the issue. They were joined a few years later by the sexual assault centres, leading to the creation of the Table de concertation en violence conjugale et agressions à caractère sexuel de Laval (TCVCASL).

The main goal of TCVCASL is to sensitize the public, community organizations, and institutional, governmental and paragonmental partners of Laval to the reality of domestic violence and sexual assault. For this reason, we are engaged in a number of actions:

- ☒ **Monthly coordination meetings**
- ☒ **Website**
- ☒ **Creation of educational tools for the public**
- ☒ **Organization of conferences**



## WHAT IS DOMESTIC VIOLENCE?

### Domestic violence

Domestic violence is a social problem, meaning that it concerns us all, men and women! Even though most people now consider this social blight unacceptable, it is too often overlooked.

Despite the fact that domestic violence is a CRIMINAL ACT under the law, major challenges unfortunately remain with regard to the legal system.

This guide is mainly for women victims, but it can also be useful to anyone who is concerned about domestic violence.

### TOGETHER, LET'S BREAK THE SILENCE!

In 1993, the United Nations (UN) recognized that:

"... violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men." (UN, 1993).

This definition of **violence against women** also includes:

"... **any act of gender-based violence** that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UN, 1993).

Domestic violence occurs within an **intimate relationship** and it is **repetitive** in nature.

Throughout this document, we use the word **victim**. Your image of a victim may be someone who is passive and submissive. Here is what we mean by victim.

## **A woman who is a victim of domestic violence is**

“a battered woman (**physical violence**)”

“threatened with violence or subjected to displays of violence causing her to fear that he will act on his threats (**verbal violence**)”

“humiliated by criticism, put downs and insults that over the long term can destroy her personality and confidence (**psychological violence**)”

“having sex under the threat of violence or being constrained by her partner (**sexual violence**)”

“controlled in terms of access to and decisions about money (**economic violence**)”

“the target of violence in the context of her love relationship.”

*(RPMHTFVVC, 1991)*

It should not be overlooked that a woman who is in a relationship with another woman can also be a victim of domestic violence. However, we use the masculine gender here because it reflects the majority of cases.



## Did you know?

Women who are victims of domestic violence are from **all social backgrounds**, regardless of income, education, religion and ethnic origin.

### NO WOMAN IS IMMUNE

In Québec, in 2008, more than 17,000 crimes against the person were committed in a domestic context. These crimes can take the form of simple assault, threats, harassment, sexual assault or homicides. Of this number, more than 82% of the victims were women (Ministère de la Sécurité publique, 2008).

In Québec alone, 9 women were murdered and 23 women were the victims of attempted murder in a domestic context (Ministère de la Sécurité publique, 2008).

In Laval, in 2009, police officers handled 1,272 domestic violence cases (Laval Police, 2009).

These statistics do not reflect incidents of psychological, verbal and economic violence, because, unfortunately, the police do not count these forms of violence.

Furthermore, according to the data of the 2004 General Social Survey (GSS, Statistics Canada), **less than one-third of the respondents** (28%) who reported being victims of domestic violence went to the police for help.

“Fully 61% of victims of spousal violence experienced more than one violent incident before calling the police. Furthermore, just less than half of these victims experienced more than 10 incidents of violence” (Mihorean, 2005)

These statistics provide only a glimpse of the scope of the problem. In addition, “Twenty-nine per cent (29%) of Canadian women (25% of Québec women) stated that they had experienced at least one incident of physical or sexual assault by a current or past partner since age 16” (Statistics Canada, 1993)

Contrary to what has long been believed, domestic violence is not a “private matter,” but a criminal act. As a result, it concerns all of us, both men and women.

## TOGETHER, LET’S ACT!

# DOMESTIC VIOLENCE OR A LOVERS' QUARREL?

(CLÉMENT AND RIENDEAU, 2008)

Sometimes it's hard to tell the difference between domestic violence and a lovers' quarrel. Have you ever been in a restaurant and witnessed a couple in the midst of a nasty fight? Have you ever questioned your actions following a particularly bitter argument with your partner?

The chart below presents four criteria to help you distinguish between them.

DOMESTIC VIOLENCE	LOVERS' QUARREL
<p><b>Quest for power over the other person?</b> <b>YES</b></p> <p>Use of various forms of violent behaviour against the other to force her to submit to him.</p>	<p><b>Quest for power over the other partner?</b> <b>NO</b></p> <p>This is the expression of a difference of opinion between the partners. The <b>subject</b> is the issue, not power, even if the fight is highly charged emotionally and one or both people become aggressive. Each is trying to convince the other person.</p>
<p><b>The intent?</b> <b>POWER AND CONTROL</b></p> <p><b>Violence</b> is the means chosen to achieve power. It is a <b>premeditated</b> act. The attacker uses strategies and excuses to achieve his ends.</p>	<p><b>The intent?</b> <b>TO CONVINCE</b></p> <p>The issue needing resolution is the cause of the conflict and not the <b>excuse</b>. The intent is clear: convince the other person. The issues are obvious for both partners: <b>transparency</b>.</p>
<p><b>Persistence?</b> <b>YES</b></p> <p>The violence continues over time and conforms to a cyclical and repetitive model.</p>	<p><b>Persistence?</b> <b>NO</b></p> <p>The conflict is sporadic, even if the subject of the dispute arises again. This is not a persistent, cyclical problem.</p>
<p><b>Impact</b></p> <p>One partner wants power at any cost and the other must submit to it. One of the partners experiences the impact of the crisis: there is a victim. <b>Powerlessness</b> and <b>fear</b> are established.</p>	<p><b>Impact</b></p> <p>Freedom of action and possible spontaneity on both sides. Both individuals express themselves freely.</p>





## Food for thought

*(RPMHTFVVC, 2008)*

- ☒ Do you have the impression that an excuse is being used to hide the real intent, which is control?
- ☒ Are there clues that suggest that this is not the first time that such a scene has taken place?
- ☒ Has one of the partners been forced to do something, put down, been afraid to react or at least had to watch what she said?
- ☒ Is one of the partners determined to win at any price in order to maintain control over the other?

If you are unsure about your answers or if you believe both individuals want to win something and that both or neither person sees themselves as a victims in this situation, you were probably having a quarrel or a fight.

If you answer “yes” to these four questions, it is very likely that you are experiencing domestic violence in your relationship.

# QUESTIONNAIRE 1

## Does your partner?

- ☐ Say you are wrong regardless of what you are doing?
- ☐ Put down your friends and family?
- ☐ Insult and humiliate you?
- ☐ Call you 10 times over the evening to find out what you are doing, where you are and who you're with?
- ☐ Pressure you to the point you cannot refuse sex with him?
- ☐ Throw things or break things that belong to you?
- ☐ Make you report on who you meet, why you're late, where you've been?
- ☐ Try to separate you from your family and friends?
- ☐ Make jeering comments about the way you dress, your appearance, the children's schooling?
- ☐ Make excuses (work stress, alcohol, rowdy children, traffic, etc.) to justify his mood swings?

## Are you?

- ☐ Sometimes afraid for yourself or for your children?
- ☐ Physically abused or threatened?
- ☐ Always feeling that you are incompetent, incapable, ignorant, or that you can never do anything right?
- ☐ Convinced that no other man would want you?

Can you see yourself in one or more of these statements?  
You are very likely experiencing domestic violence.

## YOU CAN MAKE A CHANGE!

## THE MANY FORMS OF VIOLENCE

(RPMHTFVVC, 2008)

### Economic

The least recognized.

Today, even though most women work, money or its use can become a major, and sometimes very insidious, means of control.

It is not normal if...

- ☒ Your partner is over-controlling in how he monitors and restricts your family's financial and material resources (whether or not you work outside the home);
- ☒ Your partner makes you justify **every** expense;
- ☒ He often jeopardizes the family budget through unplanned expenses;
- ☒ Your partner gets into debt without your agreement, prevents you from working, demands your paycheque, steals from you, etc.;
- ☒ Or the other extreme: he makes up for his mood swings by giving you things.

## Sexual

The biggest taboo.

Of all the things they endure, sexual violence is the form of violence abused women have the most difficulty recognizing and acknowledging. This is probably because it strikes at the heart of male-female relationships. Being raped has a profound impact on a victim's self-identity as a woman. You are experiencing sexual violence if your partner:

- ☒ Forces you to have sexual relations with him or with other people;
- ☒ Forces you to wear sexy clothing, look at pornographic material, assume positions that you do not like;
- ☒ Denigrates your body and your sexual abilities, humiliates you by comparing you to other women;
- ☒ Encourages you to have unprotected sex despite the risks.

## Verbal

The most trivialized.

Verbal violence has several dimensions: yelling, threatening, giving orders, and also whispering, insulting, using bribery, etc...

If you are a victim of verbal violence, you will undoubtedly have learned to hear the threat behind your partner's answers or tone.

## Physical

The most visible.

The best known and most easily recognized form of violence. When physical violence occurs, psychological violence is generally already well established.

Physical violence is expressed in different ways and you are a victim if you have been: shoved, pushed, had your arms held tightly, had your hair pulled, had things thrown at you, been threatened with a weapon, been burned or had your bones broken.

## Psychological

The most subtle.

Psychological violence can be difficult to recognize. It leaves no marks on the body and is often subtle. It **destroys your self-esteem** and leaves you confused and doubting yourself.

This form of violence makes you believe you are worthless, that everything is your fault and that you can't do anything right. Slowly, you start to think you are helpless and incompetent.

Psychological violence is expressed in different ways: criticism, blame, sulking, indifference, silence, constant put downs. Your partner breaks things that you like, ridicules you, and may even make threats.

**IF THREATS OF DEATH OR INJURY ARE MADE TO YOU OR YOUR CHILDREN AND IN ALL OTHER POTENTIALLY DANGEROUS SITUATIONS, YOU MUST TAKE THESE THREATS SERIOUSLY. THE EXTREME MANIFESTATION OF DOMESTIC VIOLENCE IS HOMICIDE!**



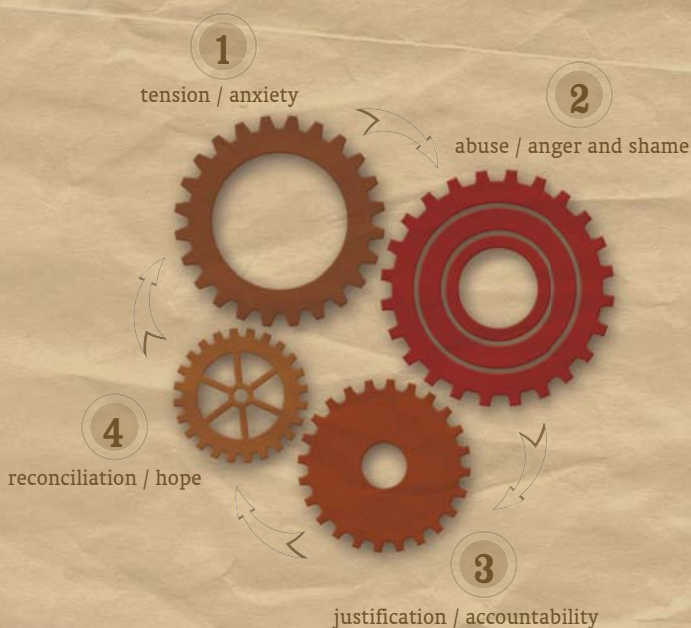
# THE CYCLE OF VIOLENCE

(RPMHTFVVC, 2008)

**REGARDLESS OF THE FORM THAT IT TAKES, DOMESTIC VIOLENCE IS ALWAYS DESTRUCTIVE. ALWAYS!**

Domestic violence occurs within an intimate relationship and is characterized by a repeating pattern of 4 phases known as the cycle of domestic violence.

**NO ONE HAS TO BE SUBJECTED  
TO VIOLENCE BY THE OTHER PERSON**





1

**Tension:** Rage, long silences, intimidation, threatening looks.

**Anxiety:** You feel that things could go badly, you worry, you put a lot of energy into reducing the tension. **You are afraid:** you become paralyzed and feel like you are walking on eggs hells.

2

**Abuse:** Verbal, psychological, physical, sexual, economic.

**Anger and shame:** You are humiliated, sad, you have a sense of unfairness.

3

**Justification:** Finds excuses, explains why there was a blowup: he is never the one responsible.

**Accountability:** You believe and understand his reasons. If only you could help him change! You adapt to him, question your perceptions (was this actually abuse?). You feel responsible and your anger disappears.

4

**Reconciliation:** Will do anything to be forgiven, asks for help, talks about going into therapy.

**Hope:** You see his efforts to change, you give him another chance. You help him, **once again you see the man you love.** You change your mind.

## AND THEN THE CYCLE BEGINS AGAIN... ALWAYS WORSE, ALWAYS MORE CONTROLLING

The partner's control, instead of lessening as desired, increases.

It is important to know that men who behave violently are not that way in all areas of their lives, or in all situations, or 24 hours a day. They regularly opt for non-violent solutions, even when faced with intensely emotional events. "Their violence is not due to what they are as individuals, but to what they **choose to do**" (*I.N.S.P.Q., 2006*). At times, you will see the man you first met, the one who charmed you, the one you love.

Unfortunately, nothing improves. At some point, some steps in the cycle will disappear. When his control over you is well established, he will no longer have to justify his actions: **you will do it for him**. After a certain amount of time, there is no longer any "honeymoon." You go directly from "Justification" to "Tension": there is no longer any respite.

Like most women, you have probably learned to take care of the needs of others before your own, to be responsible for the happiness of your partner and your family. You often feel guilty and selfish if you think about yourself. You spend so much energy to help him and to avoid the break-up of your family and your relationship that you start to tolerate the lack of respect from your partner.

**Important!** When we feel we understand, we also have the tendency to minimize violence, to forgive and to keep hoping for a change. But the violence continues...

## THE IMPORTANT THING IS TO BREAK THE CYCLE!

## QUESTIONNAIRE 2

### After the storm, do you sometimes say?

- ☐ "It's my fault... I knew it, I shouldn't have provoked him."
- ☐ "I was the one who started it."
- ☐ "He must have a reason for this violence."
- ☐ "If he stopped drinking, things would be so different."
- ☐ "If he didn't drink so much, he would not lose control."
- ☐ "If he found a job or if his job were less stressful, he would be less preoccupied and calmer."
- ☐ "If only the children weren't so irritating, he could rest."
- ☐ "He loves me so much, it's normal that he's jealous."

If you answer yes to any of these statements, you are probably minimizing the seriousness of his actions.

### THERE IS NO REASON FOR VIOLENCE, NOR ANY EXCUSE!

Contrary to what might be thought, alcohol, stress, mental health problems or an abusive past **are not the causes** of domestic violence.

While it is often used as justification, excessive alcohol or drug consumption is a problem in itself, and violence is another. Furthermore, "a small percentage of violent partners have psychiatric problems. Violence is not a disease" (*I.N.S.P.Q.*, 2006).

As for abuse suffered during childhood, although it is true that being a victim of violence is dramatic and leads to serious consequences, it remains that becoming an abuser is **A CHOICE!** Not all abused children become violent. Solutions exist to heal childhood suffering. Becoming violent is not one of them.

**IN QUEBEC, THOUSANDS OF WOMEN ARE VICTIMS OF DOMESTIC VIOLENCE: YOU ARE NOT ALONE.**



## VIOLENCE ALWAYS HAS CONSEQUENCES

**“Violence may not always be striking,  
but it always hurts.”** *(MSSS, 2008)*

Being a victim of violence is living in a hyper-vigilant state 24 hours a day. Remaining in this state leaves emotional, physical and psychological scars.

You might, for example:

- ☒ Have low self-esteem, difficulty being assertive and doubt your perceptions, your abilities;
- ☒ Lose your appetite or, on the contrary, have episodes of bulimia, digestive problems, headaches, migraines, low energy;
- ☒ Have insomnia, nightmares, flashbacks;
- ☒ Be worried, anxious, hyperventilate, have panic attacks;
- ☒ Be confused, unsure, have memory gaps, difficulty concentrating, difficulty expressing yourself;
- ☒ Feel guilty, sad, powerless, distrustful, humiliated;
- ☒ Experience isolation, fear, substance abuse (illegal drugs, alcohol, prescription drugs), a job loss;
- ☒ Be depressive, have thoughts of suicide or even attempt suicide.

**“I’m being abused. But I have the power to put myself first.”**

## **REALIZATION**

It is certainly not easy to face reality, to realize that we are living in a relationship where there is domestic violence. By reading this document, you may have been able to put what you felt into words, or to realize that what you thought of as normal tension in a relationship is instead violence and that it is unacceptable.

A range of confusing emotions:

### **Shame**

When they realize they are victims of domestic violence, many women feel ashamed. Ashamed for having tolerated this situation for such a long time, ashamed for having chosen a violent man as the father of their children, ashamed for loving him, and so on...

They say things like “I should have...”, “I could have...”, “Why didn’t I...?” While it can be useful for your understanding to analyze everything, judging the decisions that you made when you did not have all the information can be damaging. You will only make yourself feel guilty. As well, you probably had legitimate reasons for making the choices that you did. Instead, you can use this energy to think about what comes next.

### **Fear**

Fear of “paying the price” if you talk, fear of not being believed, fear of retaliation, fear that your reputation will be damaged...

**Regardless of what you are afraid of**, this feeling is likely to be so strong that it paralyzes you and keeps you silent. Tell yourself instead that you alone really know what is going on in your private life. Parents, friends, colleagues and neighbours only have a partial picture of the situation. Have confidence in yourself.

If you are a mother, you will certainly be afraid that your children do not understand your decision and resent you for breaking up the family. This could happen, but what is most important is that they learn, by your example, to make decisions based on their needs while taking other people into account.

## Anger

Perhaps you feel angry, even if you don't want to. While women today know that they too have the right to be angry, it's still hard for most women to express this emotion. They repress it, cry, or express it very aggressively, which is generally seen as socially unacceptable. The "violent woman" label is quickly applied to a woman who expresses anger in a way that is considered inappropriate.

The majority of people have not learned to differentiate between anger and violence. **Anger is an emotion** just as legitimate as happiness. However, **violence is not an emotion**. It is a chosen behaviour. Remember that there are other choices for dealing with our emotions and our frustrations: walking, meditating, leaving the room, doing sports, talking, etc. Hitting, humiliating and intimidating the other person are not good choices.

Anger can be a wonderful catalyst for change. The energy driving this emotion is often what prompts us to make the necessary changes in our lives. It is important to recognize our anger, to identify what caused it, and to develop means for action.

Anger in itself is healthy and sometimes necessary. Furthermore, it is completely normal for a woman victim to feel outrage: **domestic violence is completely unacceptable**.





## DECISION AND ACTION

Obviously, once you have realized that you are a victim of domestic violence, you have a choice to make. Consider carefully all the factors involved in your decision. Whether you are acting to protect the children, be financially secure, not be alone, avoid future abuse, keep your family together, or to be free again, the choice to stay or leave is yours to make. No one has the right to judge it. No matter what you decide, though, you must ensure your safety and that of your children.

### Don't stay alone: **BREAK THE SILENCE!**

Essential tips to make yourself safer:

- ☒ Identify emergency exits in each room in your home (window, door);
- ☒ Try to avoid being in bathrooms, the kitchen, or any room containing weapons, knives or tools during violent episodes;
- ☒ Keep your cell phone and cordless telephone charged;
- ☒ Agree on an emergency code with a neighbour that indicates they should contact the police;
- ☒ Devise a code with your children that, in an emergency, will mean they should contact a reliable person or emergency services;
- ☒ Prepare a bag that you can access rapidly if you need to escape. This bag should contain: money, your debit and credit cards, birth certificates, passports, medicare cards, changes of clothing for you and your children, copies of keys, prescription drugs, and a description and the registration number of your partner's vehicle;
- ☒ If you want to inform your partner about your departure, you can write him a letter;
- ☒ If you think you are being followed in a car, go to the closest police station.

**It is essential that you take seriously all threats** of injury or death towards you and your children. Since you know your partner better than anyone, you are in the best position to assess danger. A good way to protect yourself is to **trust what you are feeling**. If you begin to be afraid, it is because something is going on and you need to take action.

Also, some changes in your partner's behaviour could indicate to you that danger is close at hand. For example, if his harassing behaviour becomes increasingly intense and frequent, it is probably because he senses that he is losing control over you.

**The danger can also increase in different situations.**

For example: announcing that you are leaving, legal procedures (criminal complaint, child custody, etc.) and the arrival of a new partner in your life.

If you need a safe place to stay, there are shelters that will welcome you. There, you will find a safe, welcoming and free sanctuary for you and your children. Members of the staff are there 24 hours a day and they will offer you a listening ear, support and accompaniment.

Whether or not you need a refuge, shelters can help.

They offer a telephone help line and outside individual or group follow-up services for you and your children.

**DON'T HESITATE: BREAK THE SILENCE!**

## WHAT ABOUT THE CHILDREN?

### **Being a mother while experiencing domestic violence: a major challenge!**

The tense atmosphere in which you all live daily is sure to affect your relationship with your children. Perhaps you are less available to listen or play with them, and have less patience. You have probably noted changes in your children's behaviour. You may have more difficulty exercising your parental authority. Given the circumstances, this is not surprising; it is even completely normal.

The role of parent is not always easy, we know, and there are daily challenges. Living in a context of domestic violence brings its own set of difficulties. You may feel overwhelmed by having to deal with both things all by yourself.

Domestic violence has consequences on children's lives. Whether they witness it, or are victims of physical, verbal, psychological or sexual violence, it always has an impact.

## Children may suffer consequences

### Physical

- ☑ Allergies, asthma, stomach aches, headaches, bed wetting, nightmares, eczema, etc. Also physical injuries.

### Psychological, behavioural and social

- ☑ Nervousness, anxiety, distress, anger, irritability, developmental delays, crises or excessive crying;
- ☑ Aggressiveness towards friends, brothers and sisters, and, sometimes, parents (conflicting loyalties);
- ☑ Shame, sadness, confusion and ambivalence, guilt, worries, fears of all types.

At adolescence, it may also be manifested by suicide attempts, drug and alcohol abuse, running away, etc.

### School

- ☑ Inattention, learning problems, concentration difficulties, absenteeism, low grades, dropping out, etc.

The consequences of domestic violence vary depending your child's age and her understanding of the situation.

## **Yours children's needs**

Aside from the basic needs, which are eating, sleeping and being clothed, your children need to feel safe and to be reassured, loved, understood, and accepted as they are. They also need explanations, appropriate for their age, about the family situation. They need to talk about their feelings and, above all, not to feel responsible for the violence.

## **Everyone has their own role and place**

Your children are not your confidants. They are children and they need you as a parent. Despite the turmoil, they should be able to live their lives as children, play, have fun and express themselves.

If it all seems overwhelming to you and you want support, resources are available to help you see things more clearly and offer guidance.

## **BREAK THE SILENCE: ASK FOR HELP**





You have decided to leave your partner, but have little or no money to pay a lawyer. Legal aid provides free legal services. Under the Legal Aid Act you are entitled to hire a permanent lawyer from the bank of legal aid lawyers or a private practice lawyer who agrees to be paid through legal aid. You have the right to choose a man or a woman to represent you.

### **Friendly separation? Family mediation?**

The law provides for a family mediation procedure in the case of separation or divorce. This law came into effect on September 1, 1997. Under this law, legally married, civil union or common-law spouses with children are entitled to the services of a professional mediator. With mediation, you also have the right to choose a man or a woman to represent you. This person acts at the time of the negotiation and settling of the petition for separation, dissolution of the civil union, divorce, child custody, support or for reviewing an existing judgment. This process takes place before you go in front of the judge.

If you are a victim of domestic violence, however, you can be exempted from this process. In fact, it is recognized that the context of domestic violence makes mediation impossible, since the power relationship that exists between the two people does not allow true negotiation between equals.

### **If you are married**

You can also decide to institute legal proceedings: apply for a legal separation or for divorce. This process also involves granting legal custody of the children.

Even though the procedures for legal separation and divorce are practically the same, major differences exist regarding the consequences. It is therefore essential that you be properly informed so that you can make an informed choice.



## **If you are not married**

The *Civil Code of Québec* does not recognize common-law spouses. The fact of living for several years with a partner does not ensure protection during a break-up. You will not be able to benefit, for example, from the law on family patrimony and a compensatory allowance. You will not be entitled to your partner's estate should he die.

However, as common-law partners, if you have children, the law gives parents the same parental authority, the same support obligations, and the same responsibilities towards the children.

In all cases of separation or divorce, we advise you to consult a lawyer.

## **Legal custody of the children**

Separation or divorce involves the awarding of custody of the children. This step is important and will also determine the parents' visiting or access rights and conditions. Your lawyer will guide you through the procedure and will see that your interests are defended. The court that will award custody of the children must do so while ensuring that the children's interest is protected first and foremost.

## **Cancelling your lease**

A few years ago the law was changed (*section 1974.1 of the Civil Code of Québec*) to make it possible for you to have your lease cancelled, if you are a victim of domestic violence by your partner or ex-partner or fear for your safety and for the safety of your children. Cancellation takes effect three months after you send a notice to the landlord, or one month after sending the notice if the lease is for an interderminate term or a term of less than 12 months.

Shelters, women's centres, CAVACs (crime victims assistance centres) and even the courthouse can provide you with the lease cancellation application form and inform you about the procedure. They will support you in this process.



## UNDERSTANDING THE LEGAL PROCESS

Laying charges does not mean breaking contact with your partner forever or depriving the children of their father. It is simply a means to protect yourself and to counter his violence.

Laying charges is a criminal legal procedure. It does mean you must apply for separation or divorce.

### Domestic violence and the Criminal Code

Does your partner:

- ☒ Threaten to hit you?
- ☒ Threaten to beat you?
- ☒ Threaten to take the children away?
- ☒ Throw things at you?
- ☒ Harass you?
- ☒ Break things that belong to you?
- ☒ Shove you?
- ☒ Hit you?
- ☒ Pull your hair?
- ☒ Hold your arms tightly?
- ☒ Try to choke you?
- ☒ Threaten to kill the children?
- ☒ Threaten to kill you?
- ☒ Sexually abuse you?

**These behaviours are crimes**, even if you don't have any marks or injuries and even if you don't have a witness. They are known as assault, criminal harassment, sexual assault, attempted murder and homicide.

To help yourself remember all the violent words and actions that have been directed against you, keep a notebook to write down dates, facts, time, names of witnesses, etc.

For more information, you can contact a CAVAC (crime victims assistance centre) in your region or go to the police station in your area.



## IN AN EMERGENCY DIAL 9-1-1

Say, for example:

“I am afraid.”

“He has threatened to kill me.”

“I am afraid for my children.”

“I have been beaten.”

Give your name and address.

If your partner has a weapon, mention it.

### Arrival of the police officers

When the police officers arrive, if your partner is no longer at home, the police officers can look for him and arrest him if they have sufficient reason to do so.

If your partner is on the premises, tell the police officers that you want to talk to them alone, without your partner being present. They will remove him or control him. Tell them what happened. You are not betraying your partner by describing his actions and what he said; this is to protect you.

The police officers will ask you whether you want to lay a complaint. If you agree, they will ask you to describe the event and to sign your statement. They will then give you a card with their names, telephone numbers and event number. It is important that you retain this card.

If they have sound reasons for believing a criminal act has been committed against you, they are obliged to lay a complaint, even if it has to be done without your consent.

If the police officers think you are in danger, they can arrest your partner immediately. They can also offer to take you to a safe place, such as a shelter.

The police officers will complete the event report and give the file to an investigator. This person will collect the proof and ensure that the file is followed up. They may contact you. They will then submit their report to a crown prosecutor. The crown prosecutor decides whether there are enough grounds to lay a charge against your partner.

In our legal system, if you are a victim of a criminal act, you don't have to hire a lawyer.

**Attorney general's prosecutors** (commonly known as the crown attorneys) are lawyers who represent society; they submit the evidence to establish the guilt of the accused. They are assigned to represent the public interest. They do not directly represent the victim.

The accused can choose to represent himself or hire a lawyer for his defence.

## Arrest

If your partner is arrested, the police officers will put him in contact with a lawyer of his choice before questioning him. They can decide to release him with conditions that he must respect. They will also inform him of the date on which he must appear in court. The police officers may also decide to keep him in jail until his court appearance.

Some reasons for immediate detention

- ☒ If the victim has bodily injuries (obvious or internal injuries).
- ☒ If there have been repeated assaults (recorded in police files).
- ☒ If the police officers deem the situation out of control.
- ☒ If your partner has already been arrested for violence and does not comply with his release conditions.

**IF YOU FEEL YOU ARE IN DANGER,  
SEEK REFUGE IN A SHELTER**

## Court Appearance

After his arrest, your partner will appear before a judge, within a period of 24 hours, if he has been detained. If he has been released with the promise of appearing, this period will be longer. At this stage, he will be informed about the charges against him. He will be assisted by his lawyer and can choose to plead guilty or not guilty.

If he pleads guilty, you will not have to testify. The judge will decide on the sentence and set a sentencing date. During this time, the judge may decide to release your partner if he has been detained.

If your partner pleads not guilty, you will have to come to court for the preliminary hearing and the trial, and you will have to tell what happened.

If the crown prosecutor does not oppose your partner's release, he will be released and will have to comply with the conditions imposed by the judge.

**YOUR PARTNER CAN PLEAD GUILTY AT ANY TIME DURING THE LEGAL PROCESS. IF HE DOES SO, YOU WILL NOT HAVE TO TESTIFY, UNLESS YOU WISH TO DO SO WHEN HE RECEIVES HIS SENTENCE.**





## Interim Release (Bail hearing)

This procedure will take place if the crown attorney opposes your partner's release. Your presence is generally not necessary at this stage.

After having heard the accused's lawyer and the crown attorney, the judge will decide either to release your partner or detain him during the legal process. If your partner is considered to represent too much of a danger to you, your children or other people, he could be detained. If the judge decides that detaining your partner is not justified, he will be released, but will have to comply with the release conditions that the judge will impose on him. He will probably be prohibited from contacting you by any means whatsoever. The judge may prohibit him from approaching your place of residence, work, or even your children's daycare or school. These are some examples of release conditions; there may be others. **You have the right to obtain a copy of the conditions. Don't hesitate to request it.** Also, if the judge imposes a no contact order regarding your children, remember to inform the school or the daycare.

If your partner contacts you in any way, even if he doesn't threaten or strike you, don't hesitate to call 911, because this represents non-compliance with the conditions. Your partner is completely aware of his release conditions and knows that he must respect them.

This period can be difficult for you. Don't stay alone; talk about it, it's normal to be upset. The no contact period is temporary. It may give you a chance to think about your needs and offer you the crucially important opportunity to step back and get more perspective on things. Remember that he is responsible for his actions.

**IF YOU DECIDE TO GET BACK TOGETHER WITH YOUR PARTNER, YOU SHOULD INFORM THE INVESTIGATING OFFICER AND THE CROWN ATTORNEY IN THE CASE. YOU AND YOUR PARTNER WILL THEN HAVE TO GO TO THE COURTHOUSE TO FIND OUT WHETHER THE RELEASE CONDITIONS CAN BE CHANGED.**

## Disclosure (Pro forma)

This is a meeting between the defence lawyer and the crown prosecutor during which the prosecutor gives the defence lawyer all the evidence. There may be more than one date for this step.

Usually you don't have to be at this meeting. However, you may receive a subpoena (summons to attend). If so, you will not have to testify or go into the courtroom. You will meet with the crown prosecutor so he or she can discuss the proceedings with you. You can take this opportunity to talk about any fears and worries you have.

## Preliminary Hearing

Some offences do not require a preliminary hearing, just a trial.

The preliminary hearing is the step in which victims usually receive a subpoena to appear in court and possibly testify.

At this stage, the judge must decide whether there is sufficient evidence to uphold the charges. If necessary, he or she will set the trial date. At the end of the preliminary hearing, if the judge decides that there is insufficient evidence, there will be no trial and your partner will be freed of all charges.

**YOU ARE THE VICTIM AND THE MAIN WITNESS. YOUR TESTIMONY BY ITSELF CAN BE JUDGED AS SUFFICIENT EVIDENCE TO CONTINUE THE PROCESS.**

## Trial and Judgment

During the trial, the crown attorney must prove **beyond all reasonable doubt** that your partner has committed a crime. You must then testify, by answering as best you can the questions from the two lawyers.

Next, the other witnesses, if there are any, and your partner, can also give their version of the facts. You may hear some lies and this may be difficult for you. If so, you can leave the room or talk to a worker in the CAVAC room located in the courthouse.

In light of the testimony heard and the two lawyers' arguments, the judge or jury will have to decide whether to find the accused guilty. Acquittal would not mean that the crime had not been committed, but rather that the evidence presented did not convince the judge, beyond all reasonable doubt, of your partner's guilt.

If your partner is acquitted, you will naturally feel angry and disappointed, have a sense of injustice, disbelief, etc. However, you were right to report the violence that you suffered and to assert yourself in order to put a stop to the violence.

**REMEMBER THAT IF YOU ARE AGAIN THE VICTIM OF A CRIME, YOU STILL HAVE THE RIGHT TO LAY A COMPLAINT. DON'T HESITATE TO ASK FOR HELP AND SUPPORT.**

## Sentence

If the judge finds your partner guilty of one or more crimes, she or he must hand down the sentence. This can be done immediately or a date will be set when the sentence will be read out. At this step, you have the right, as a victim, to testify about the consequences that you have experienced as a result of the crime. You can either speak to the judge or testify in writing, by means of a **victim impact statement**.

Before handing down the sentence, the judge can request a pre-sentence report that will be written by a probation officer. She or he may contact you to find out your version of the facts. The pre-sentence report is used to inform the judge about certain aspects of your partner's life situation so that she or he can decide on the most appropriate sentence.

For domestic violence, the imposed sentence is often probation. If so, your partner will have to respect certain conditions for a period of time determined by the judge. A common condition is that he must not contact you in any way. If your partner does not comply with the conditions, call 911. Police officers will investigate and will determine if there are grounds for charging your partner. He could be arrested and detained until a new appearance before the judge. Detention is imposed only in the most serious cases.



## In Court

Be at the courthouse at the time indicated on your subpoena. Plan to be there all day.

You may see your partner again. His presence could be upsetting to you. You will not have to be in direct contact with him, but he will be in the courtroom if you testify. The no contact conditions are still in effect, even in the courthouse.

It is absolutely normal to be nervous about going to court. Because it is hard, you can ask to be accompanied by a trustworthy person: a worker from a shelter, a friend or a family member. Also, you can go to the CAVAC office, which is located in the courthouse. This will help you feel safer and avoid unnecessary contact with the accused. A worker will welcome you, answer your questions and offer the support you need.

You can also wait in the hallway or in the courtroom.

Don't bring the children unless they have to testify (which rarely happens). Dress properly and comfortably.

## Your Testimony

Before you testify, the investigating officer will take you to a quiet spot to read over the deposition that you made to the police officers following the events.

At the start of your testimony, you will have to take an oath. You will be asked your name and address. **You can require that your address remain confidential.**

Your role consists of telling, as best you can, the facts that were given in your deposition and telling the truth.

You will first be questioned by the crown attorney and then by your partner's lawyer. Take the time to breathe and to listen to the questions.

Don't hesitate to ask the lawyers to repeat or to reformulate a question if you don't understand it. You must answer the questions clearly. It is appropriate and normal to say, "I don't know" or "I can't remember" if you have forgotten some details. The questions from your partner's lawyer may seem embarrassing and unnecessary to you.

Tell the facts as best you can because, after all, you are only telling the truth. When you answer the questions, do it by addressing the judge and not the lawyers. She or he is the one who makes the decisions about the case.

Before leaving the courthouse, go to the compensation counter with your subpoena (summons to attend) to obtain the compensation to which you are entitled.





## If You Have Regrets

You regret having laid a complaint; you are even thinking of not pursuing it any longer or of getting back together with your partner. You are ashamed, you feel guilty, you are afraid that your partner will seek revenge, you pity him, he makes promises to you, you are worried he will lose his job, you are being pressured by the family, the legal process is long, etc...

All these reactions are normal and common. It is important to talk about it with someone. Before you do anything, talk it over with someone from one of the specialized organizations, for instance a women's shelter or a CAVAC, and you will be able to see things more clearly (check pages 43-45 for the resources).

Laying a complaint is a means of protecting yourself. No one can predict whether a spouse will re-offend, but you can do everything in your power to ensure your safety by using the available resources.

Regardless of the outcome of the legal process, it is another step that you will have taken to **break the silence**. You were right to denounce the violence.

## DON'T HESITATE TO TAKE ACTION AGAIN

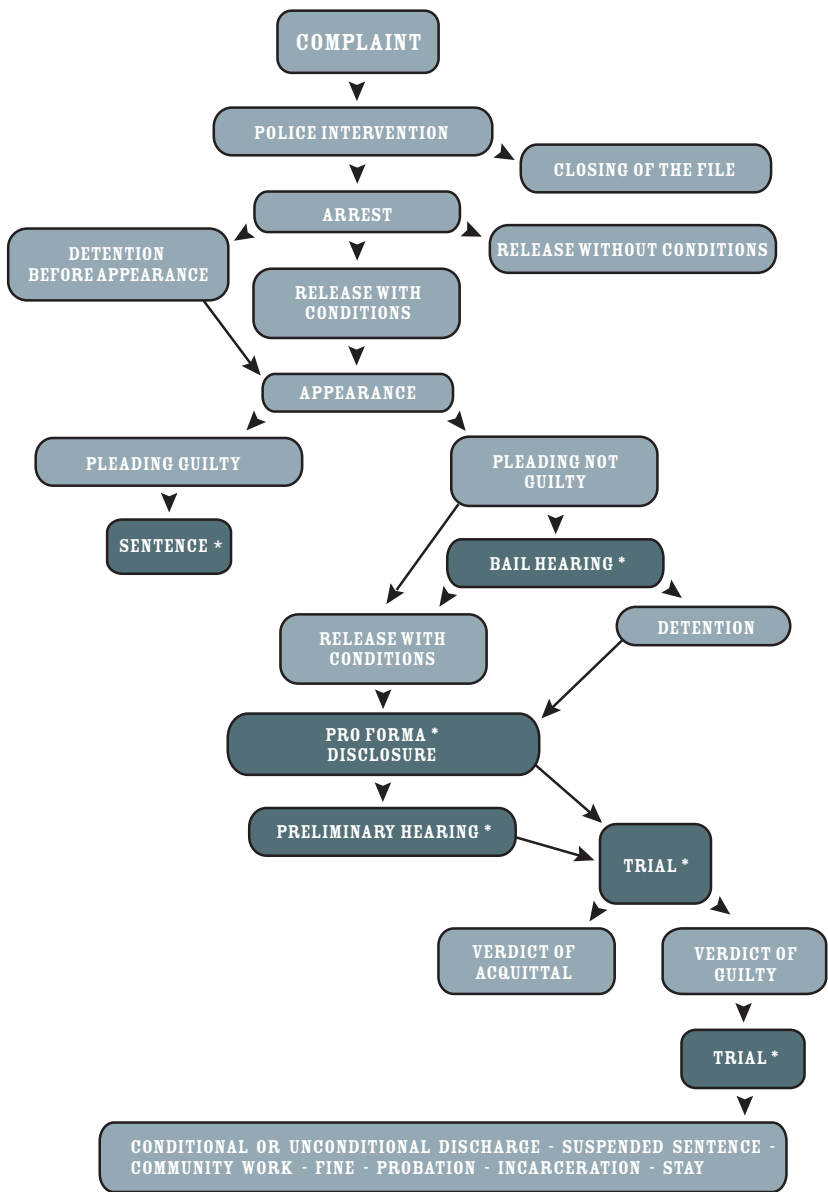
### Your rights and recourses

- ☒ You have the right to be treated with respect and dignity.
- ☒ You have the right to be protected.
- ☒ You have the right to be informed.
- ☒ You have the right to know and understand the legal process.
- ☒ You have the right to be accompanied and supported in the process.

Also, depending on the situation, you may be entitled to compensation from the Crime Victims Compensation Board for the physical and psychological injuries resulting from the violence that you have suffered. Ask for help from CAVAC to make your application or call IVAC (*Direction de l'indemnisation des victimes d'actes criminels, crime victims compensation branch*) directly (see resource pages 43-45).



# STEPS IN THE LEGAL PROCESS AT THE COURTHOUSE



AT THESE STEP, THE VICTIM MAY BE ASKED TO APPEAR.

## BIBLIOGRAPHY

**CLÉMENT, Rolande and Louise RIENDEAU.** 2008. *Chicane de couple ou violence conjugale. Pour y voir plus clair*, Address given at the 1<sup>st</sup> World Conference of Women's Shelters, Edmonton, Canada.

**DÉPARTEMENT DE POLICE DE LAVAL.** 2009. "Statistiques violence conjugale 2009", Laval [Internal document of Laval police department - gendarmerie].

**GOVERNEMENT DU QUÉBEC.** 2001. *Orientations gouvernementales en matière d'agression sexuelle — Plan d'action (French only)*, Québec City, Ministère de la Santé et des Services sociaux, Direction des communications, 82 pages. Available online: <http://publications.msss.gouv.qc.ca/acrobat/f/documentation/2000/00/807-1.pdf>. Accessed October 28, 2010.

**INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC.** 2006. (October 17). "Mythes et réalités" IN *La violence conjugale: des faits à rapporter, des mythes à déconstruire, une complexité à comprendre (French only)*. Available online: <http://www.inspq.qc.ca/violenceconjugale/mythes.asp?id=4>. Accessed October 28, 2010.

**MIHOREAN, Karen.** 2005. "Trends in self-reported spousal violence." IN *La violence familiale au Canada: Family Violence in Canada: A Statistical Profile*. Kathy AuCoin, p.13-35. Ottawa. Statistique Canada, Canadian Centre for Justice Statistics. Available online: <http://www.statcan.gc.ca/pub/85-224-x/85-224-x2005000-fra.pdf>. Accessed October 28, 2010.

**UNITED NATIONS.** 1993. *Declaration on the Elimination of violence against women; Resolution adopted by the United Nations General Assembly in New York City* (December 20, 1993). Available online: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N94/095/05/PDF/N9409505.pdf?OpenElement>. Accessed October 28, 2010.

**QUÉBEC.** Civil Code of Quebec, L.Q. 2010. Québec City: Éditeur officiel du Québec, 1908 pages. Available online: <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/CCQ/CCQ.html>. Accessed November 3, 2010.

## BIBLIOGRAPHY (CONTINUED)

**QUÉBEC.** Ministère de la Santé et des Services sociaux. 2010. "Domestic Violence", IN *Ministère de la Santé et des Services sociaux*. Available online: [http://www.msss.gouv.qc.ca/sujets/prob\\_sociaux/violenceconjugale.php](http://www.msss.gouv.qc.ca/sujets/prob_sociaux/violenceconjugale.php). Accessed October 28, 2010.

**QUÉBEC.** Ministère de la Sécurité publique. 2008. *Statistiques 2008 sur la criminalité commise dans un contexte conjugal au Québec (French only)*, 59 pages. Available online: [http://www.securitepublique.gouv.qc.ca/fileadmin/Documents/statistiques/violence\\_conjugale/2008/Violence\\_conjugale\\_2008.pdf](http://www.securitepublique.gouv.qc.ca/fileadmin/Documents/statistiques/violence_conjugale/2008/Violence_conjugale_2008.pdf). Accessed November 9, 2010.

**REGROUPEMENT PROVINCIAL DES MAISONS D'HÉBERGEMENT ET DE TRANSITION POUR LES FEMMES VICTIMES DE VIOLENCE CONJUGALE.** "Problématique" IN *Qu'est-ce que la violence conjugale? (French only)* <http://www.maisons-femmes.qc.ca/problematique/definitions.html>. Accessed October 25, 2008.

**REGROUPEMENT PROVINCIAL DES MAISONS D'HÉBERGEMENT ET DE TRANSITION POUR LES FEMMES VICTIMES DE VIOLENCE CONJUGALE.** 2006. "Conjugal violence: What is it exactly?", 2<sup>nd</sup> edition, Montréal, 58 pages.

**REGROUPEMENT PROVINCIAL DES MAISONS D'HÉBERGEMENT ET DE TRANSITION POUR LES FEMMES VICTIMES DE VIOLENCE CONJUGALE.** 2006. *Petit code des maisons (French only)*, Montreal, 87 pages. [Internal document].

**REGROUPEMENT PROVINCIAL DES MAISONS D'HÉBERGEMENT ET DE TRANSITION POUR LES FEMMES VICTIMES DE VIOLENCE CONJUGALE.** 1991. *Définition de la violence conjugale*; Motion adopted by the general meeting of the RPMHTFVVC, (Montreal, 1991). [Internal document].

**STATISTICS CANADA.** 1993. "Violence Against Women Survey: Statistical Trends", *The Daily*, Ottawa, 11 pages.

# RESOURCES ARE AVAILABLE FOR YOU

## Domestic violence resources IN CASE OF EMERGENCY

### EMERGENCY SERVICES 911

#### SHELTERS

##### **SOS Violence-Conjugale**

Telephone: 1-800-363-9010

[www.sosviolenceconjugale.ca](http://www.sosviolenceconjugale.ca)

##### **Lina's Home**

Telephone: 450-962-8085

##### **Maison l'Esther**

Telephone: 450-963-6161

##### **Maison Le Prélude**

Telephone: 450-682-3050

# DOMESTIC VIOLENCE RESOURCES

## **Carrefour d'hommes en changement (CHOC)**

Telephone: 450-975-CHOC (2462)

[www.organismechoc.com](http://www.organismechoc.com)

## **Centre d'aide aux victimes d'actes criminels (CAVAC)**

Telephone: 450-688-4581

[www.cavac.qc.ca](http://www.cavac.qc.ca)

## **Centre de santé et des services sociaux de Laval**

[www.cssslaval.qc.ca](http://www.cssslaval.qc.ca)

### **CLSC du Marigot**

Telephone: 450-668-1803

### **CLSC des Mille-Îles**

Telephone: 450-661-2572

### **CLSC du Ruisseau-Papineau**

Telephone: 450-687-5690

### **CLSC de Sainte-Rose**

Telephone: 450-622-5110

## **Centre des femmes de Laval**

Telephone: 450-629-1991

## **Centre jeunesse de Laval**

Information: 450-975-4150

To report a case: 450-975-4000

## **Division urgence sociale - Ville de Laval**

Telephone: 450-662-4595

## **Passeport famille**

Telephone: 450-629-5207

## **Protection du citoyen de Laval (police headquarters)**

Telephone: 450-662-4242 or 450-662-3400, ext. 0

[www.protecteurducitoyen.qc.ca](http://www.protecteurducitoyen.qc.ca)

## **Shield of Athena**

Telephone: 450-688-6584

[www.shieldofathena.com](http://www.shieldofathena.com)

## OTHER USEFUL RESOURCES

### **Centre désigné de Laval en agression sexuelle**

**12 years of age and older (males and females)**

Within 5 days of the assault:

**Emergency dept. at Cité de la Santé de Laval**

More than 5 days after the assault:

**450-668-1803, ext. 5173**

**Under 12 years of age**

Within 5 days of the assault:

**Emergency dept. at Sainte-Justine Montréal**

More than 5 days after the assault:

**Department of Youth Protection: 450-975-4000**

### **Centre d'intervention en délinquance sexuelle (CIDS)**

Telephone: 450-967-3941

### **Centre d'intervention et de prévention pour les victimes d'agressions sexuelles (CPIVAS)**

Telephone: 450-669-9053

[www.cpivas.com](http://www.cpivas.com) or [www.cliquesurtoi.com](http://www.cliquesurtoi.com)

### **Centre le Maillon, centre de réadaptation en dépendances**

(substance abuse treatment)

Telephone: 450-975-4054

### **Correctional Service of Canada**

Victim Services: 450-967-3680

[www.csc-scc.gc.ca/victims-victimes/index-fra.shtml](http://www.csc-scc.gc.ca/victims-victimes/index-fra.shtml)

### **Crime Victims Compensation Board (IVAC)**

Telephone: 1-800-561-4822 or 514-906-3019

[www.ivac.qc.ca](http://www.ivac.qc.ca)

### **Mesures alternatives jeunesse de Laval**

Telephone: 450-663-7674

### **Prévention suicide de Laval**

1-866 APPELLE or 450-629-2911

[www.rccgm.com](http://www.rccgm.com)

### **Service du contentieux pénal et réglementaire - Ville de Laval**

Telephone: 450-978-5866







**Table de concertation en violence conjugale  
et agressions à caractère sexuel de Laval**

**[www.brisezlesilence.com](http://www.brisezlesilence.com)**

**514 436-4743**

