

# REBÂTIR LA CONFIANCE SYNTHÈSE

RAPPORT DU COMITÉ D'EXPERTS  
SUR L'ACCOMPAGNEMENT DES VICTIMES  
D'AGRESSIONS SEXUELLES ET DE VIOLENCE CONJUGALE

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*Original text in french*



## Chapter 1 – Background

### **Sexual Assault and Domestic Violence Crimes are Common but Rarely Reported.**

In April 2019, the committee was given the mandate to “evaluate current measures based on the path of a sexual assault or domestic violence victim, and identify measures that could be developed to ensure greater support and better acknowledge the realities of victims of sexual assault or domestic violence.” In particular, the measures considered could result in a justice system better adapted to the needs of the victims and a greater understanding of the various options available to them, both within and outside the justice system.”

The work of the committee was supported by consultations with organizations as well as victims. The committee met with around one hundred organizations, approximately half of which submitted briefs. In addition, from March 5 to April 10, 2020, the committee conducted direct online consultations with victims of sexual assault or domestic violence. Despite the COVID-19 pandemic, 1,585 people participated in the consultations. The committee’s work also benefitted from a study by the Conseil du statut de la femme (Québec’s council on the status of women), published under the title *Les personnes victimes d’agressions sexuelles ou de violence conjugale face au système de justice pénale : état de situation* [status report on victims of sexual assault or domestic violence and the penal justice system].

This report provides 190 specific, concrete recommendations aimed at improving psychosocial and legal support for victims and their access to justice.

## Chapter 2 – Provide Psychosocial and Legal Support to Victims

### **Victims must receive ongoing psychosocial/legal support, regardless of whether or not they choose to report the crime to the police or initiate legal proceedings.**

Psychosocial/legal support makes it easier for victims to report the crime to the police and navigate the justice system and increases their sense of justice. The committee recommends providing psychosocial/legal support to victims as soon as they divulge the violence they have been subjected to, irrespective of whether they decide to report the crime to the police or not. Once the crime has been reported, support must be maintained throughout the legal process (R-1 and R-2). The workers concerned must therefore be available when the police respond to the call, as well as at the police stations (R-43) and in court. These workers must be present throughout the proceedings of the specialized sexual assault and domestic violence court (R-167).

At present, the provision of psychosocial/legal assistance is uneven despite the wide variety of services offered. The lack of funding for organizations has resulted in long waiting lists and staff burnout. This may prevent victims from getting the help they need when they request it. It is therefore important that organizations receive the funding they require to shorten waiting lists and provide better psychosocial and/or legal support across Québec (R-3).

Moreover, some people are less well served than others, mainly because they belong to historically disadvantaged groups. More specifically, support and assistance must be improved for members of the LGBTQ+ community, sexually abused men, non-status people, people from ethnocultural communities, new immigrants, people who speak neither French nor English, people living in remote or rural areas, people with functional limitations and disabilities, senior women and persons in situations of prostitution (R-4). See also the recommendations on information for new immigrants (R-5) and support for minors exposed to domestic violence and sex crimes (R-6 and R-7).

## Chapter 3 – Integrate and Facilitate Access to Victim Services

**Victim services must be easily accessible and integrated to ensure that victims receive all the assistance they require.**

Victims don't always know where to go to get the psychosocial and/or legal services they need. The process needs to be simplified through a better referral system and the existing centralized telephone lines SOS Violence conjugale (domestic violence helpline) and Info-aide violence sexuelle (sexual assault helpline) must also play a role in this regard (R-10). To facilitate access to services, a pool of accredited translators and interpreters throughout Québec must also be created (R-11). Lastly, a special fund must be set up to provide services to victims in emergency situations (R-12).

In addition to the need for better access, it is important that psychosocial, medical, police and legal services be better integrated with one another to reduce the number of steps victims have to go through to obtain the help they need or navigate the justice system. While it is clear that collaboration between community and institutional organizations must be revitalized by ensuring that all partners are present at the issue tables (R-13), more needs to be done to integrate the services. The committee recommends launching a pilot project to establish a centre for integrated services for victims of sexual assault and domestic violence comprising a team of psychosocial workers, doctors, nurses, police officers, prosecutors and lawyers. (R-15). It also recommends providing financial support for initiatives to integrate services offered by the community (R-14).

## Chapter 4 – Address Sexual Assault and Domestic Violence in an Indigenous Context

**The psychosocial and/or legal support offered to Indigenous victims must acknowledge their cultural values and consider the social and historical context in which the violence took place.**

While the legal needs of Indigenous people are similar to those of Québec society as a whole, there are many notable differences, in terms of both risk factors and methods of providing support. Sexual assault and domestic violence in Indigenous populations must be examined in a sociohistorical context and in consideration of living conditions and systemic relationships often marked by prejudice, lack of knowledge, misunderstanding and racism.

Responses in the current system are based on a punitive and individual vision that makes them ill suited to Indigenous populations. Cooperation with Indigenous organizations needs to be broadened with a view to developing culturally relevant services for Indigenous victims of sexual assault and domestic violence living in Indigenous communities or urban environments (R-16). The guiding principle of cultural acknowledgment and safety must be adopted to give Indigenous people better access to justice, both within and outside the communities (R-19). Current cultural safety measures need to be further developed; training psychosocial and legal professionals in Indigenous realities (R-23), ensuring better representation of Indigenous personnel in the justice system and support services (R-20), and revitalizing Indigenous legal traditions by, for and with Indigenous people, namely by offering restorative justice services to Indigenous adult victims of sexual assault and domestic violence (R-18), are just some of the methods to be considered.

The committee has noted the lack of services in Indigenous communities, as well as the lack of psychosocial services for Indigenous people living in urban environments. As recommended by the committee in Chapter 12, a specialized sexual assault and domestic violence court should be established to provide better support services for all victims. Services for Indigenous victims must therefore be developed as part of the specialized court through the establishment of a Centre intégré de services holistiques des Premières Nations et Inuits en matière d'agressions sexuelles et violence conjugale, [centre for integrated support and holistic services for First Nations and Inuit victims of sexual assault and domestic violence], which would offer integrated services tailored to Indigenous needs, propose restorative justice solutions to adult victims and provide support through the traditional justice system (R-24).

## Chapter 5 – Address the Need for Legal Advice and Representation for Victims

**Once the crime is divulged, the victim will have needs that go beyond psychosocial and/or legal support and need to be addressed.**



The victim's need for advice and representation may span a number of areas of law and involve various authorities. Since the costs associated with such counselling and representation services often hamper access to justice, the committee recommends providing all victims of sexual assault or domestic violence with four hours of legal aid at no charge, regardless of the area of law or the victim's income (R-25). Victims should also be entitled to legal representation at no charge in cases where the accused wishes to file proof concerning their sexual past or access one of their private records being held by a third party (R-26). Additional recommendations include giving victims broader access to legal aid in areas other than criminal law (R-27) and ensuring that organizations' psychosocial and/or legal service teams include lawyers (R-28).

To effectively meet victims' needs, every legal aid office should be equipped with a specialized sexual assault and domestic violence section (R-29). The committee also recommends creating a pool of private practice lawyers specializing in sexual assault and domestic violence (R-30), who would receive relevant training in this area on an ongoing basis (R-31). In addition to training all lawyers working with victims, such a pool would make it possible to develop and structure some of the legal services to specifically address victims' needs.

## **Chapter 6 – Ensure Better Support for Victims Throughout the Criminal Justice System**

**Victims should receive better support in the criminal justice system, namely through access to teams of specialized police personnel and prosecutors, better communication, testimony preparation programs and testimonial aid measures.**

This chapter recommends several concrete actions to help victims navigate the criminal justice process.

First of all, the committee recommends placing greater focus on establishing specialized police and legal teams. Many of Québec's police services have already set up teams specializing in sex crimes and this practice should be consolidated across Québec (R-32). The situation is more concerning in the case of domestic violence, where the investigation is often led by a patrol officer. At present, specific, specialized training on domestic violence investigations either does not exist or is not mandatory. Therefore, police services should be equipped with specialized domestic violence investigation teams (R-34) and an officer should be assigned to handling domestic violence cases at each police station (R-35). The specialization of Director of Criminal and Penal Prosecutions teams should also continue. The existing teams of prosecutors specializing in sex crimes need to be expanded and consolidated (R-36). There is even more to be done in the area of domestic violence, for which teams of specialized prosecutors also need to be established across the province (R-37). A sufficient number of investigators and prosecutors specializing in sexual assault and domestic violence must be available to handle all the tasks assigned to them, including those stemming from the recommendations set out in this report (R-40 and R-41).

Secondly, the committee is making specific recommendations aimed at improving the process of reporting incidents to the police and the follow-up required throughout the police investigation. Such recommendations include ensuring that professionals are present at the intervention locations or police stations (R-43), holding a pre-reporting meeting (R-44 to R-46) and keeping victims continually informed of progress on their case and of future steps to be taken (R-47).

Thirdly, the committee is concerned with the closing of cases at both the police investigation stage and when the prosecutor is granted authorization to initiate criminal proceedings. Based on the Philadelphia Model, the committee recommends that a review process for sexual assault and domestic violence complaints be implemented or made permanent in police services (R-48 and R-49). It also recommends that all investigation files on sex crimes be submitted to the Director of Criminal and Penal Prosecutions for analysis, based on the procedural model used by the Sûreté du Québec (R-50). The granting of authorization to the prosecutor to launch criminal proceedings should also be carried out with particular rigour. In matters of sex crimes, the decision to close a case must always be subjected to an internal review by a second prosecutor before the victim is informed of it (R-51).

The committee's fourth set of recommendations pertains specifically to communication with the victim. Information is fundamental to the victim's sense of justice and the need for clear, regular communication is one of the crosscutting issues in this report (i.e., the communication of information on the status of the case at the police investigation stage (R-47), legal aid options (R-66), the conditions imposed on the accused (R-92 to 96), sentence enforcement (R-108, R-110 and R-111), victims' rights (R-173), etc.). At the criminal proceedings stage, the relationship of trust forged between the victims and their prosecutors is a determining factor in how well they navigate the justice system. In addition to their current obligations to meet and communicate with the victims, prosecutors must also hold pre-trial conferences in cases of domestic violence (R-55), meet with sexual assault and domestic violence victims prior to the date of their testimony at every stage of the legal process (R-56) and maintain ongoing communication to keep victims informed of progress on their case (R-57). Save in exceptional circumstances, prosecutors must also communicate with the victims before a guilty plea is entered to involve them in the legal process and ascertain the repercussions of the crime and the possible restitution to be sought (R-58 and R-59).

Finally, the committee recommends implementing a testimony preparation program for all witnesses (both minor and adult) in cases of sexual assault and domestic violence (R-60 and R-61). Led by social workers, such programs would demystify the court process and reduce the stress associated with testifying. The committee is also making several recommendations with a view to providing victims of sexual assault or domestic violence with crucial access to the testimonial aid measures set out under the Criminal Code, such as allowing for a trusted person to be present during the testimony, allowing the victim to testify via video-link, placing a screen or other view-blocking device between the witness and the accused, etc. (R-63 to R-65, R-102, R-145 and R-160).

Other measures are also being proposed, including having the witness file a written or videotaped statement at the preliminary investigation stage (R-62), requiring that the judicial actors concerned adopt a code of conduct for the examination and cross-examination of victims of sexual assault and domestic violence (R-67), facilitating the process of obtaining a restitution order (R-68) and reducing wait times at all stages of the legal proceedings (R-69).

## **Chapter 7 – Ensure the Safety of Victims**

**It is imperative that the justice system ensure the safety of the victim.**

All professionals providing psychosocial and/or legal support and all judicial actors concerned are responsible for ensuring the safety of the victim at all stages of the process.

Several of the recommendations in this report relate to risk assessment (R-70 to R-75, R-77, R-117 and R-118). In matters of domestic violence, some of the existing services that need to be broadened and systematically applied include the Service d'évaluation des conjoints ayant des comportements violents [violent spouse assessment service] at the interim release stage (R-70) and the coordinated action mechanisms (crisis centres) designed to prevent homicide or serious injury (R-72). Moreover, the risk of homicide or serious injury resulting from situations of domestic violence should be continually assessed. Social workers may initiate such a risk assessment at any time through the mutual disclosure of confidential information to protect individuals, as permitted by the exception set out in Bill 180. Given the confusion surrounding the wording of the exception, the committee feels that it should be clarified and explained in more comprehensible language so that frontline workers will use it without hesitation (R-75).

Declaring that they intend to end their relationship increases the risk to victims' safety. The fear victims experience when going to collect their personal belongings must be taken seriously. The committee recommends developing

and implementing a provincial protocol that, among other things, would provide for victims to be accompanied by a police officer when recovering their personal belongings (R-80).

Regardless of whether victims have filed a complaint or not, a number of tools can be used to ensure their safety. This chapter covers the use of panic buttons, cellular phones and electronic bracelets. The committee recommends ensuring that victims have free-of-charge access to rapid intervention tools such as emergency cell phones to help keep them safe (R-82 to R-84).

The safety of victims must also be ensured in all courthouses (R-99 to R-102), namely through means such as implementing special measures for receiving and accompanying them, reserving a room for their exclusive use and giving them access to a sufficient number of testimonial aid devices.

Many domestic violence situations result in the imposition of Sureties to Keep the Peace, as set out in section 810 of the *Criminal Code*. The statistical rating of these sureties should allow for rapid response in case of violation (R-86 and R-87) and there should be better monitoring of the conditions imposed (R-97 and R-98). Furthermore, throughout the legal process, it is essential that the victim be aware of the conditions imposed on the accused to ensure the victim's safety. These may include pre-trial release conditions, an order prohibiting the accused from contacting the victim during pre-trial detention, etc. In all cases, the victim should immediately be informed of the accused's release by the professionals duly mandated to provide that information. The committee is putting forward five recommendations concerning the communication of such information to the victim (R-92 to R-96).

## Chapter 8 – Support Victims at the Sentence Enforcement Stage

**The victim must continue to receive counselling and support at the sentence enforcement stage.**

Victims are currently not well informed about their rights at the sentence enforcement stage. Several of the recommendations made in this chapter aim to clarify victims' rights and improve communication between victims and correctional authorities. They include revising the *Act respecting the Québec correctional system* to incorporate victims' rights and update practices (R-107), updating information tools and customizing them for victims (R-111), and improving professional workers' knowledge of the victim services network to ensure that they are better equipped to counsel and support victims in the steps they must take after the legal proceedings (R-113). The committee also recommends implementing a victim services office within the Direction des services correctionnels du Québec [Québec correctional services division] and Commission des libérations conditionnelles du Québec [Québec parole board] to ensure that victims receive counselling and support at the sentence enforcement stage (R-114).

Other recommendations aim to improve and facilitate the victims' involvement in the process. Victims should be systematically contacted during the process of assessing the risk of re-offending and developing the correctional intervention plan for the accused, since the victims can provide relevant information that only they may be aware of (R-117). In addition, the Written Submissions form should be improved so that victims can personalize the information they wish to share, be it new facts or fears concerning the detainee's release (R-118). The statement concerning the consequences of the crime the victim has prepared for criminal court should be systematically forwarded to the CLCQ and the Service Correctionnel du Québec (R-119).

## Chapter 9 – Include the Perpetrators of Violence in the Process

**To be able to curb sexual assault and domestic violence in a sustainable way, we must develop quality services for offenders and take preventive action.**

For many victims, it is important that the perpetrator of violence be therapeutically managed and many organizations feel that rehabilitating perpetrators is the best way to ensure public safety over the long term. The committee shares this opinion. At present, there is no clear picture of the services and programs offered to perpetrators of violence and no evidence of any working relationship between the institutional and community sectors. Therefore, there is a need to draw an accurate portrait of the programs and the clients they serve, and to evaluate the quality and efficacy of services provided to perpetrators of sexual assault and domestic violence, namely in terms of re-offending (R-

120).

Moreover, concerns have been raised about the specificity of the programs for violent spouses and the potential for confusion between these programs and men's support groups. The committee feels that programs for violent spouses should have their own specific characteristics and be solidly focused on accountability. These programs must be evaluated and receive accreditation to ensure their quality and consistency throughout Québec (R-121 and R-125).

The committee has also examined the availability and accessibility of services for perpetrators of violence. It recommends providing adequate, recurrent funding for resources for perpetrators of sex crimes with a view to providing services in regions where there currently are none, reducing delays in access to services and reducing or eliminating fees (R-122). More specifically, people who were sexually abused as children and are at risk of committing or have committed sexual assault should have access to services tailored to their particular situations (R-127). Furthermore, resources for perpetrators of violence must have adequate funding with which to develop services throughout Québec for non-adjudicated individuals who ask for help (R-123).

It would be relevant to implement a telephone support and referral line for perpetrators of domestic violence and sexual assault. Such a resource could facilitate the process for perpetrators and minimize the obstacles they face in accessing services (R-128). Given the effectiveness of timely intervention following arrest, the committee recommends that police officers systematically refer sex crime perpetrators and violent spouses to the telephone support and referral line (R-124 and R-126).

## **Chapter 10 – Provide Victims with Better Support in All Areas of Law**

### **The consequences of sexual assault and domestic violence and the needs of victims must be taken into consideration in all areas of law.**

The relationships between victims and the justice system are not restricted to criminal law. The repercussions of these violent acts are felt in all areas of the victims' personal and professional lives. For example, an examination of the situation of victims of domestic violence brings to light some of the issues involved in applying family law, particularly in terms of establishing and managing custody and visitation rights. Domestic violence is not always recognized in family law; there is a tendency to approach it as a separation dispute, which contributes to obscuring the issues of control and victim safety. Moreover, violent spouses may use allegations of parental alienation to counter the charges of violence or abuse laid against them by the victims. The *Civil Code of Québec* should, therefore, be modified to take domestic violence into consideration in determining the "best interests" of the child in family law (R-129).

With the objective of offering victims of domestic violence various options while avoiding the risks associated with traditional family mediation procedures, the committee recommends looking into the possibility of implementing a customized family facilitation program and sets out the conditions under which it should be carried out (R-131).

Given that children should be recognized as victims of the violence perpetrated on their mother or victimized parent, the committee recommends that the *Youth Protection Act* be amended so that it recognizes children's exposure to domestic violence as a distinct form of mistreatment, as are abuse and negligence (R-132). It also recommends rectifying the lack of safe, accessible locations for exchanges of custody and supervised visits (R-133) and ensuring that a sufficient number of trained professionals are on hand to facilitate and supervise access (R-134).

In matters of immigration law, policies should be adopted to prevent the identities of victims of sexual assault or domestic violence who request police protection from being revealed to the Canada Border Services Agency (R-137). The complexity of the applicable labour law regime calls for the establishment of a working group to study how sexual assault and sexual harassment in the workplace are handled (R-138). It is also recommended that an obligation be created, requiring employers to ensure that employees who are victims of domestic violence are protected at work (R-139). In addition, the committee reiterates the need for in-depth reform of the *Crime Victims' Compensation Act* in light of the difficulties victims encounter with the public crime victims' compensation plan (R-142).

Several of the solutions proposed to better support victims in the area of criminal law should also apply to other areas of law, i.e., testimony preparation (R-143), separate waiting rooms (R-144) and testimonial aid measures (R-145) should be available across all judicial forums.

Lastly, in view of the considerations being put forward, the committee recommends that the restorative justice programs currently available to victims of sexual assault or domestic violence be thoroughly reviewed and assessed to ascertain whether they take the specifics of sexual assault and domestic violence cases into account, ensure the safety of the victims and address their needs (R-147). Indigenous experts with in-depth knowledge of restorative justice should be called upon to participate in this review and assessment process (R-148).

## **Chapter 11 – Ensure Consistency Throughout the Justice System**

### **Decisions in criminal, family and other areas of law must be consistent with one another.**

Victims of sexual assault or domestic violence may be party to multiple jurisdictions, particularly in cases of domestic violence, where a woman and her violent spouse often have dependent children. For example, criminal proceedings may take place in parallel with discussions in family court concerning child custody. The Youth Division of the Court of Québec may also be involved in the case. Each court has a specific function, procedure and rules of evidence and operates in accordance with its own institutional approach, but does not necessarily know that the case before it is also being heard in other courts. Such a situation can result in a number of adverse consequences for victims, including the risk that contradictory court orders may be issued.

The committee recommends raising awareness of the power of the Youth Division of the Court of Québec, in hearing an adoption or protection case, to issue court orders concerning the exercise of parental authority and child custody, emancipation and guardianship (R-150). It also recommends that section 37 of the Québec *Code of Civil Procedure* be amended to give the Court of Québec the power to award child support or a compensatory allowance (R-151).

Not all situations of domestic violence become subject to criminal law proceedings, but in criminal court cases where the Youth Division is also intervening on behalf of the children, bringing all aspects of the case before a single judge would be of undeniable benefit to the victims, as well as the children. Designing and implementing a “One Family, One Judge” pilot project for sexual assault or domestic violence cases involving both the Criminal and Youth divisions would make it possible to harmonize and improve their progress and processing (R-152). The committee also recommends hiring court coordinators to streamline the sharing of information between courts, ensure that cases are better coordinated and ensure consistency in the decisions rendered (R-153).

## **Chapter 12 – Establish a Specialized Sexual Assault and Domestic Violence Court**

### **Establishing a specialized sexual assault and domestic violence court would ensure that victims receive counselling, support and protection through integrated services and judicial coordination.**

The specific elements of the specialized court would encompass the principles put forward in this report, including counselling and support for victims, integrated services, training for social workers and legal actors, implementation of specialized police units and legal teams, access to reserved hearing rooms and testimonial aid measures, coordination between courts and reduced wait times. The committee feels that establishing a specialized sexual assault and domestic violence court in the Court of Québec would help restore victims’ trust in the criminal justice system (R-156).

It identifies the following as some of the essential elements of a specialized court: province-wide deployment (R-157), physically adapted facilities (R-158 to R-160), specialized, trained legal actors (R-161 to R-163), a vertical prosecution system (R-164) and integrated support services (R-167). These elements should be organized in such a way as to provide distinct services, i.e., specialized services in sexual assault, specialized services in domestic violence and holistic services for First Nations and Inuit people.

The specialized court should also promote more in-depth, proactive handling of cases by judges and develop guidelines for processing sexual assault and domestic violence cases (R-165). It should also include court coordinators to ensure that relevant information is shared between the various legal authorities (R-166). The



committee is setting out a series of services the specialized court should provide to adequately address victims' needs (R-168) and recommends that the services for Indigenous people be provided together, as part of the Centre intégré d'aide et de services holistiques des Premières Nations et Inuits en matière d'agressions sexuelles et de violence conjugale [centre for integrated support and holistic services for First Nations and Inuit victims of sexual assault and domestic violence] (R-169).

## Chapter 13 – Promote and Apply the *Canadian Victims Bill of Rights*

**In all criminal procedures, the *Canadian Victims Bill of Rights* recognizes victims' rights, which should be better understood and respected. The bill also recognizes that any victim whose rights have been violated may file a complaint and that mechanisms should be put in place to that effect. These mechanisms should be developed and systematically implemented.**

Victims are still widely unaware of the *Canadian Victims Bill of Rights* (CVBR), which was enacted in 2015, despite the fact that the bill protects their right to information, protection, participation and reparation in all criminal or penal processes. The committee is making several recommendations with a view to promoting application of the CVBR and ensuring that the information it sets out concerning rights and remedies is better disseminated to organizations and professionals, as well as to victims (R-174 to R-175; R-179 to R-181).

Despite its adoption, the bill has not resulted in the implementation of specific mechanisms to allow victims to file complaints with organizations and government departments that have obligations to them. To exercise their rights, victims must often get through a complex maze of procedures. It is crucial that quick and simple mechanisms be implemented to receive and process complaints filed by victims (R-176).

The committee also recommends hiring an ombudsperson for victims of crime to update and consolidate the rights and remedies set out in the bill. The ombudsperson's role would be to advise and inform victims regarding the procedures involved in filing complaints with government departments and organizations in the first instance, receive and process their complaints when all possible remedies with such departments and organizations have been exhausted, document the issues surrounding the exercise of victims' rights and remedies and make recommendations likely to improve the situation in this respect (R-178).

## Chapter 14 – Meet the Need for Training in Matters of Sexual Assault and Domestic Violence

**Medical and psychosocial workers, police officers, lawyers, prosecutors and judges should receive continuous training in matters of sexual assault and domestic violence.**

Providing better support to victims of sexual assault and domestic violence means training all workers and professionals concerned. Myths and prejudices, the effects of trauma, the specifics of sexual assault and domestic violence in an Indigenous context, the particular needs of certain victim groups, and victims' rights and remedies are among the priority topics to be addressed in two types of training. First, general, multisectoral and continuous training should be offered to all those working with victims, irrespective of their field of practice. This type of training would help deconstruct the invisible walls between the various areas of intervention and would encourage cooperation and the development of a shared understanding of the issues (R-183). Secondly, targeted training would be developed and tailored to the various fields of practice with a view to enhancing the quality of the medical, psychosocial, judicial and legal services offered to victims.

Other than the above types of training, the existing campaigns to prevent and raise awareness about sexual assault and domestic violence should be continued and, in some cases, adapted to the specific realities of certain groups (R-184 and R-185). Lastly, the committee recommends that these training courses and awareness-raising campaigns be identified, documented and coordinated by the Secrétariat à la coordination et à l'intégration des actions en matière de violences sexuelles et conjugales [secretariat for the coordination and integration of actions in matters of sexual assault and domestic violence] (R-186 and R-187).

## **Chapter 15 - Establish a Secretariat for the Coordination and Integration of Actions in Matters of Sexual Assault and Domestic Violence**

**A comprehensive approach to the issues and strong leadership are essential in implementing measures to counter sexual assault and domestic violence.**

For over 30 years, numerous efforts have been made in Québec to address the adverse effects of sexual assault and domestic violence. Despite the many concrete actions taken, these efforts do not always appear to be efficiently coordinated. Several measures stemming from policies or action plans are put forward year after year but are not implemented, although they are considered priorities. A joint approach by the government departments and partner organizations would help ensure that the funds invested are better targeted and coordinated, avoid the duplication of services and possibly even improve them. For the above reasons, the committee recommends that the government departments responsible for the commitments set out in the various action plans develop a joint funding plan (R-188).

The committee also recommends establishing the Secrétariat à la coordination et à l'intégration des actions en matière de violences sexuelles et conjugales [secretariat for the coordination and integration of actions in matters of sexual assault and domestic violence] as an authority accountable at the highest level of government and with the powers and support required to make fundamental changes (R-189). Reporting to the Executive Board, the secretariat would be responsible for coordinating, integrating and evaluating all actions taken in matters of sexual assault and domestic violence, as well as those stemming from implementation of the recommendations set out in this report (R-190).

## Recommendations

### CHAPTER 2

#### PROVIDE PSYCHOSOCIAL AND LEGAL SUPPORT TO VICTIMS

**Recommendation 1:** Provide victims of sexual assault and domestic violence with psychosocial and/or legal support from the moment they disclose the violence they have been subjected to, regardless of whether they decide to report the crime to the police or not.

**Recommendation 2:** Ensure that victims receive ongoing psychosocial and/or legal support throughout the legal proceedings.

**Recommendation 3:** Allot sufficient funding to victim services agencies to enable them to reduce waiting lists and improve psychosocial and/or legal support services across Québec.

**Recommendation 4:** Improve and customize psychosocial and/or legal support services and extend them to victims belonging to minority groups, particularly members of the LGBTQ+ community, sexually abused men, non-status people, members of ethnocultural communities, new immigrants, people who speak neither French nor English, people living in remote or rural areas, people with disabilities, senior women and persons in situations of prostitution.

**Recommendation 5:** Expand the information provided to new immigrants to Québec to include their fundamental rights, the judicial process in Québec, sex crimes and domestic violence crimes.

**Recommendation 6:** Further develop support services for minors who are exposed to domestic violence or are victims of sex crimes.

**Recommendation 7:** Adopt a directive to enable a minor to receive support services with the consent of only one parent.

### CHAPTER 3

#### INTEGRATE AND FACILITATE ACCESS TO VICTIM SERVICES

**Recommendation 8:** Ensure that government websites that publish information about sexual assault and domestic violence are systematized and direct victims to central phone referral lines.

**Recommendation 9:** Harmonize police practices and victim check-in procedures at all police stations and consolidate the use of central referral lines to guide victims.

**Recommendation 10:** Enhance the services of the domestic violence and sexual assault helplines (SOS Violence conjugale and Info-aide violence sexuelle) by providing the resources needed to ensure better listening, provide better information and referrals, and promote the helplines to raise more awareness about them within the general population, particularly among victims, their families and friends and the professionals who work with them.

**Recommendation 11:** Evaluate the services of translators and interpreters to verify their impartiality and the quality of their training, particularly in matters of sexual assault and domestic violence, and establish a pool of accredited translators and interpreters throughout Québec and ensure that it is kept up to date.

**Recommendation 12:** Set up a special contingency fund to meet the key needs of victims of domestic violence or sexual assault in emergency situations.

**Recommendation 13:** Consolidate intersectoral cooperation in every region, namely to ensure that all partners attend the issue tables and to promote intersectoral initiatives.

**Recommendation 14:** Provide financial support for initiatives to integrate services offered by the community.

**Recommendation 15:** Implement a pilot project for an integrated service centre for victims of sexual assault and domestic violence under the supervision of the Secrétariat à la coordination et l'intégration des actions en matière de violences sexuelles et conjugales.

## CHAPTER 4

### ADDRESS SEXUAL ASSAULT AND DOMESTIC VIOLENCE IN AN INDIGENOUS CONTEXT

**Recommendation 16:** Develop culturally relevant sexual assault and domestic violence services for Indigenous people living in Indigenous communities or urban environments.

**Recommendation 17:** Based on specific local circumstances, formally reserve a seat for the Assembly of First Nations of Quebec and Labrador and/or an organization representing Indigenous people in urban environments and/or an organization representing Inuit communities at every issue table on sexual assault and domestic violence.

**Recommendation 18:** Offer restorative justice programs to Indigenous adult victims of sexual assault and domestic violence, both outside the formal judicial system (e.g., voluntary citizen participation or alternative measures) and as part of the passing and enforcement of the sentence. Such restorative justice programs must be related to the establishment of a specialized sexual assault and domestic violence court (see section 4.7: Establishing a specialized sexual assault and domestic violence court in an Indigenous context).

**Recommendation 19:** Adopt the guiding principle of cultural acknowledgment and safety required to give Indigenous people more access to the justice system, both within and outside the communities.

**Recommendation 20:** Ensure that Indigenous personnel is better represented, namely by employing Indigenous people in aid agencies and the justice system.

**Recommendation 21:** Ensure that general lines of referral lead to culturally safe services.

**Recommendation 22:** Apply Jordan's Principle to Indigenous victims of sexual assault and domestic violence.

**Recommendation 23:** Provide all judges and prosecutors working with offenders and victims from Indigenous communities with ongoing training on topics including:

- Underlying historical factors contributing to sexual assault and domestic violence in Indigenous communities:
  - Sociohistorical data.
  - Impacts on living conditions of Indigenous people in the communities and in urban environments.
- Means of expression, non-verbal communication and body language:
  - Ways of relating to one another, social rules and skills that may adversely affect witnesses' credibility.
- Different conceptualizations of the justice system:
  - Concepts of Indigenous justice.

**Recommendation 24:** Establish a Centre intégré de services holistiques des Premières Nations et Inuits en matière d'agressions sexuelles et violence conjugale [integrated support and holistic services centre for First Nations and Inuit victims of sexual assault and domestic violence] that would function alongside the specialized sexual assault and domestic violence court.

## CHAPTER 5

### ADDRESS THE NEED FOR LEGAL ADVICE AND REPRESENTATION FOR VICTIMS

**Recommendation 25:** Give all victims of sexual assault or domestic violence the right to four hours of legal aid in any area of law, at no charge and regardless of their income.

**Recommendation 26:** Give all victims the right to legal representation at no charge in cases where the accused wishes to file proof concerning their sexual past or access one of their private records being held by a third party.

**Recommendation 27:** Give victims of sexual assault or domestic violence broader access to legal aid in areas other than criminal law.

**Recommendation 28:** Ensure that legal aid lawyers and prosecutors from the office of the Director of Criminal and Penal Prosecutions are present in victim services organizations on a regular basis and in sufficient numbers to be able to meet the training needs of workers and answer workers' and victims' questions on specific legal matters.

**Recommendation 29:** Set up a section specializing in sexual assault and domestic violence cases in all legal aid offices.

**Recommendation 30:** Establish a pool of lawyers specializing in sexual assault and domestic violence cases based on areas of law and keywords used by victims and ensure that it is kept up to date.

**Recommendation 31:** Regardless of their field of expertise, provide all lawyers registered in the pool with relevant, continuous training in matters of sexual assault and domestic violence.

## CHAPTER 6

### ENSURE BETTER SUPPORT FOR VICTIMS THROUGHOUT THE CRIMINAL JUSTICE SYSTEM

**Recommendation 32:** Consolidate the investigative teams specializing in sex crimes and extend their services to all regions of Québec.

**Recommendation 33:** Offer specialized training in domestic violence to patrol officers who, in some police services, are responsible for conducting all or part of these investigations.

**Recommendation 34:** Equip police services with investigative teams specializing in domestic violence.

**Recommendation 35:** Designate an officer in charge of handling domestic violence cases at every police station.

**Recommendation 36:** Consolidate the prosecution teams specializing in sex crimes and extend their services to all regions of Québec.

**Recommendation 37:** Set up prosecution teams specializing in domestic violence throughout the province.

**Recommendation 38:** Select prosecutors who specialize in domestic violence and sexual assault in accordance with their expertise and soft skills, and maintain permanent knowledge communities so that the teams can exchange information on best practices and reduce territorial disparities.

**Recommendation 39:** Modify Directive VIO-1 to stipulate that prosecutors working on domestic violence cases are required to provide vertical prosecution services.

**Recommendation 40:** Ensure that there is a sufficient number of prosecutors specializing in sexual assault and domestic violence to perform the tasks assigned to them, as well as the additional tasks resulting from the committee's recommendations.

**Recommendation 41:** Ensure that there is a sufficient number of investigators specializing in sexual assault and domestic violence to conduct their investigations in a timely manner and carry out the required follow-up with the victims.

**Recommendation 42:** Ensure that victims are able to report sexual assault or domestic violence in a safe place adapted to their needs.



**Recommendation 43:** Ensure that professional workers are available during police operations and are present at all police stations across Québec.

**Recommendation 44:** Systematically inform victims of sexual assault and domestic violence that their official statement to the police is part of the evidence and may be used in subsequent legal proceedings.

**Recommendation 45:** With certain exceptions, require that a psychosocial worker meet with the sexual assault or domestic violence victim meet before the police officer takes the victim's statement.

**Recommendation 46:** Develop pre-reporting intervention protocols in cooperation with psychosocial workers, police officers and prosecutors to avoid hindering the investigation and legal proceedings, as the case may be.

**Recommendation 47:** Keep victims continually informed of progress on the police investigation into their case, as well as the actions and steps to come.

**Recommendation 48:** Based on the Philadelphia Model, equip all police services with permanent procedures for reviewing sexual assault complaints.

**Recommendation 49:** Based on the Philadelphia Model, equip all police services with procedures for reviewing domestic violence complaints.

**Recommendation 50:** Ensure that all investigation files are open at the police investigation stage and are submitted to the Director of Criminal and Penal Prosecutions for analysis, based on the procedural model used by the Sûreté du Québec.

**Recommendation 51:** Modify the Director of Criminal and Penal Prosecutions directives to stipulate that in a case where the initial prosecutor examines a sex crime file and decides not to lay charges, a second prosecutor must re-examine the entire file.

**Recommendation 52:** Require that prosecutors have the opportunity to consult with other professionals at the permission to prosecute stage.

**Recommendation 53:** Offer continuous training on clear communication to all prosecutors working on sexual assault and domestic violence cases.

**Recommendation 54:** Ensure that all judges receive continuous training on clear communication.

**Recommendation 55:** Modify Directive VIO-1 to stipulate the requirement and conditions for a preparatory meeting prior to legal proceedings.

**Recommendation 56:** Ensure that the prosecutor meets with the victim of sexual assault and domestic violence prior to the date of testimony at every stage of the legal process.

**Recommendation 57:** Ensure that victims of sexual assault and domestic violence are continually informed of progress on their case and of the actions and steps to come.

**Recommendation 58:** Save in exceptional circumstances, ensure that prosecutors systematically communicate with victims prior to the entry of a guilty plea to keep them involved in the legal process and ascertain the repercussions of the crime and possible restitution to be sought.

**Recommendation 59:** Clearly and systematically inform victims of sexual assault and domestic violence of the terms of the court's decision.

**Recommendation 60:** Throughout the province, implement a child witness program that prepares children to give testimony without addressing the facts of the case.

**Recommendation 61:** Throughout the province, develop and implement a program similar to the child witness program for adult victims of sexual assault or domestic violence.

**Recommendation 62:** Modify the Director of Criminal and Penal Prosecutions directives to encourage the use of section 540(7) of the *Criminal Code*, which allows the prosecutor to file the victim's written statement at the preliminary inquiry stage.

**Recommendation 63:** Ensure that prosecutors offer testimonial aid measures to sexual assault and domestic violence victims and request them in court.

**Recommendation 64:** Modify the *Criminal Code* so that judges are required to order that testimonial aid measures be provided to victims of sexual assault or domestic violence upon request, except in a case where a judge deems that this would hinder the proper administration of justice.

**Recommendation 65:** Ensure that requests for testimonial aid are submitted within a reasonable time prior to the hearing and make sure the victim is informed of the result prior to the testimony date.

**Recommendation 66:** Make sure that when the judge informs victims of their right to be represented by a lawyer during a request for evidence of past sexual behaviour or for a record held by a third party, he or she also informs victims of the relevant legal aid services available.

**Recommendation 67:** In partnership with the judicial actors concerned, develop a code of conduct for the examination and cross-examination of victims of sexual assault and domestic violence.

**Recommendation 68:** Ensure that the first workers to come into contact with victims inform them of the restitution measure, help them document the damages they have suffered and make the prosecutor aware of them.

**Recommendation 69:** Ensure that measures to minimize delays are implemented at all stages of sexual assault and domestic violence cases.

## CHAPTER 7 ENSURE THE SAFETY OF VICTIMS

**Recommendation 70:** Promote the violent spouse assessment program at interim release hearings and make it available throughout Québec.

**Recommendation 71:** Provide for the systematic consultation of the domestic violence victim by the officer responsible for assessing the spouse exhibiting violent behaviour.

**Recommendation 72:** Fund and implement coordinated action mechanisms (crisis centres) designed to prevent homicide or serious injury resulting from domestic violence throughout Québec.

**Recommendation 73:** Identify and evaluate best practices for assessing the risk of homicide or serious injury.

**Recommendation 74:** In collaboration with professionals who specialize in dealing with victims and violent spouses, identify the best domestic violence risk assessment tools and promote their use.

**Recommendation 75:** Loosen and simplify the legislative exception under Bill 180 concerning the disclosure of personal information to protect someone's life or safety with a view to facilitating use of the exception, and ensure that it is clearly explained and understandable to frontline workers in all sectors.

**Recommendation 76:** Ensure that all professionals and workers who interact with domestic violence victims on a regular basis are offered continuous training on the risk factors for homicide or serious injury.

**Recommendation 77:** Ensure that police officers systematically use a tool to assess the risk of homicide or serious injury if they suspect domestic violence when handling a distress call or a request for information about a spouse or former spouse, so that they can properly identify, evaluate and document the situation.

**Recommendation 78:** Ensure that police dispatchers have access to all calls, regardless of the district or police service that handled the call.

**Recommendation 79:** Revise the classification of requests for action or calls so that it excludes the designation “family squabble” or “normal conduct” from domestic violence call histories.

**Recommendation 80:** Develop and implement a province-wide protocol that, among other things, would provide for victims to be accompanied by a police officer when recovering their personal belongings.

**Recommendation 81:** Ensure that in emergency situations, victims of sexual assault and domestic violence receive the necessary public services, even if they are unable to produce identification or other documentation.

**Recommendation 82:** Ensure that victims have free-of-charge access to rapid intervention tools such as emergency phones to help keep them safe.

**Recommendation 83:** Promote the use of other technological methods likely to improve victims’ safety and ensure that IVAC quickly and easily reimburses all related costs.

**Recommendation 84:** In certain situations, consider having the accused wear an electronic bracelet as a means of further protecting the victim.

**Recommendation 85:** Ensure that the Director of Criminal and Penal Prosecutions and the Judicial Procedures Division of the City of Montréal Municipal Court remind prosecutors of the criteria to be met to replace criminal charges with a peace bond under section 810 of the *Criminal Code*.

**Recommendation 86:** Ensure that all prosecutors use statistical indicator “A” to identify files concerning commitments in matters of domestic violence under section 810 of the *Criminal Code*, as well as all violations of these commitments under section 811 of the *Criminal Code*.

**Recommendation 87:** Ensure that police officers are aware that this new statistical indicator is being applied to commitments under *Criminal Code* sections 810 and 811 and that its purpose is to improve their actions and investigation in the event that conditions are violated.

**Recommendation 88:** Ensure that victims and professional workers are aware of the benefits and disadvantages of obtaining a civil protection order.

**Recommendation 89:** Ensure that police officers are aware of the binding power of a civil protection order and of the measures to be taken in bringing a charge of disobedience if the order is violated.

**Recommendation 90:** Ensure that all prosecutors handling sexual assault or domestic violence cases consider the possibility of seeking a restraining order on behalf of the victim, even if the accused is detained.

**Recommendation 91:** Ensure that the police officers and professional worker involved verify that the victim has submitted all the information required to establish the conditions governing the release of the accused, when the purpose of said conditions is to ensure the victim’s safety, and that this information is recorded in the file by the police officers and made available at the bail hearing.

**Recommendation 92:** Ensure that someone is put in charge of contacting victims, as soon as possible and never more than 24 hours after the accused is released, to inform them of the conditions imposed on the accused by the court.

**Recommendation 93:** Promote technologically current methods of communication (i.e., text messaging, email, etc.) to ensure that victims can be contacted quickly.

**Recommendation 94:** Ensure that the information concerning the conditions imposed on the accused is sent electronically to victims who have this type of communication technology.

**Recommendation 95:** Clearly inform the victim of the conditions imposed on the accused and make sure the victim fully understands these conditions and knows how to report any violation of them.

**Recommendation 96:** Provide the victim with a document (checklist) indicating the steps to be taken if the accused violates the conditions imposed by the court.

**Recommendation 97:** Increase monitoring to ensure that the conditions imposed by police or the court are not being violated due to sexual assault or domestic violence.

**Recommendation 98:** Mandate a working committee to examine monitoring and follow-up of the conditions imposed by police or the court, with particular focus on handling violations of the conditions cited in sexual assault and domestic violence cases.

**Recommendation 99:** In all courthouses, implement intake and counselling measures for victims to give them a sense of security.

**Recommendation 100:** Ensure that the CAVAC informs the court clerk of the victims present in the building and that they are called discreetly by telephone, rather than by an intercom that can be heard throughout the courthouse.

**Recommendation 101:** Ensure that the room reserved for victims is accessible to all aid organizations and set up to accommodate the professionals and trusted individuals who are working with and accompanying the victims.

**Recommendation 102:** Equip all courthouses and points of service with a sufficient number of testimonial aid tools (e.g., remote testimony, screen, device for blocking the victim's view of the accused, etc.) and rooms where the victim can provide testimony remotely.

**Recommendation 103:** Ensure that training is offered to future police officers and new prosecutors to raise their awareness of the elements that will enable them to identify the victim's main aggressor and differentiate an aggressive move from a defensive one.

**Recommendation 104:** Ensure that police practices in matters of domestic violence reflect the importance of conducting an exhaustive investigation to identify the main, dominant aggressor and require that cross-complaints be mentioned in all applications submitted to the prosecutor to institute proceedings.

**Recommendation 105:** Establish a process for allowing cross-complaints to be submitted at the same time where possible, or allowing officers from another police service to consult the other file on the spouse involved.

**Recommendation 106:** Consider adopting *Clare's Law*.

## CHAPTER 8

### SUPPORT VICTIMS AT THE SENTENCE ENFORCEMENT STAGE

**Recommendation 107:** Revise the *Act respecting the Québec correctional system* to incorporate victims' rights and update practices in the field.

**Recommendation 108:** Strengthen the mechanisms for cooperation between provincial organizations and federal victim services offices to ensure that victims are aware of their obligation to register with the Correctional Service of Canada or the Parole Board of Canada, which is required for a follow-up to be conducted when the detainee serves a prison sentence of two or more years.

**Recommendation 109:** Remedy the lack of data in the *Act respecting the Québec correctional system* concerning the implementation of provisions for victims of sexual assault and domestic violence.

**Recommendation 110:** Revise, standardize and adapt the information tools used by the Ministère de la Santé Publique [Québec department of public safety], the Commission québécoise des libérations conditionnelles [Québec parole board] and other organizations bound by the *Act respecting the Québec correctional system* to make victims throughout Québec better aware of their rights and the obligations owed them.

**Recommendation 111:** Improve and disseminate the policies and directives of the Ministère de la Santé Publique, the Commission québécoise des libérations conditionnelles and other organizations bound by the *Act respecting the Québec correctional system* designed to inform victims, encourage their involvement and ensure their safety and that of their families and loved ones.

**Recommendation 112:** Offer specialized sexual assault and domestic violence training to professionals working with the various organizations having obligations toward victims at the sentence enforcement stage (i.e., detention facilities, probation offices and Commission québécoise des libérations conditionnelles).

**Recommendation 113:** Improve the skills and training of workers from the victim services network on the rights victims may exercise under the *Act respecting the Québec correctional system*, to ensure that the workers are well equipped to advise and support the victims in the steps to be taken at the end of the legal proceedings.

**Recommendation 114:** Establish victim services offices within the Direction des services correctionnels du Québec [Québec correctional services division] and the Commission des libérations conditionnelles du Québec.

**Recommendation 115:** Designate individuals to be in charge of developing policies, directives and ministerial guidelines, and evaluating programs and practices for victims of criminal acts offered by the Ministère de la Sécurité publique, the Direction des services correctionnels du Québec and the Commission québécoise des libérations conditionnelles.

**Recommendation 116:** Consult victim services and victims' rights organizations in developing the policies and directives of the Ministère de la Sécurité publique, the Direction des services correctionnels du Québec and the Commission québécoise des libérations conditionnelles.

**Recommendation 117:** Systematically consult victims of domestic violence when evaluating offenders sentenced to serve six months or more in prison.

**Recommendation 118:** Improve the Written Submissions form to avoid duplicating the information already provided in the Witness Statement filed in court and allow victims to add new elements that may have an impact on the evaluation of the danger posed by the incarcerated individual, the development of the offender's correctional intervention plan and the decisions relating to the offender's conditional release.

**Recommendation 119:** Ensure that the statement concerning the consequences of the crime prepared by the victim for criminal court is systematically forwarded to the CLCQ and the Service Correctionnel du Québec [Québec correctional services].

## CHAPTER 9

### INCLUDE THE PERPETRATORS OF VIOLENCE IN THE PROCESS

**Recommendation 120:** Draw an accurate portrait of the programs and clientele and assess the quality and effectiveness of the services offered to perpetrators of sexual assault and domestic violence, particularly in regard to re-offending.

**Recommendation 121:** Improve, support and evaluate the programs for violent spouses and see that they receive certification.



**Recommendation 122:** Ensure that adequate, recurrent funding is provided to enable existing services for sex crime offenders to be extended to regions where they are not currently offered, provide faster access to services and reduce or eliminate the fees charged to recipients of such services.

**Recommendation 123:** Ensure adequate funding to enable resources for sex crime offenders throughout Québec to develop services for non-adjudicated individuals who ask for help.

**Recommendation 124:** Ensure that police officers systematically refer sex crime offenders to the telephone helpline for perpetrators of violence.

**Recommendation 125:** With a view to promoting accountability, make programs for violent spouses available throughout Québec.

**Recommendation 126:** Ensure that police officers systematically refer perpetrators of domestic violence to the violent offenders help and referral line.

**Recommendation 127:** Improve and fund the services offered throughout Québec to childhood victims of sexual assault who are at risk of committing or have committed sexual assault, with the objective of establishing programs to make up for the lack of such services.

**Recommendation 128:** For persons who have committed or are at risk of committing sexual assault or domestic violence, implement a province-wide, anonymous and confidential help and referral line that acknowledges the cultural identities of both Indigenous and non-Indigenous people and can direct callers to the appropriate services.

## **CHAPTER 10 PROVIDE VICTIMS WITH BETTER SUPPORT IN ALL AREAS OF LAW**

**Recommendation 129:** Modify the *Civil Code of Québec* to take domestic violence into consideration in determining the “best interests” of the child in family law.

**Recommendation 130:** Take sexual assault and domestic violence issues into account in the upcoming reform of family law legislation.

**Recommendation 131:** Look into the possibility of implementing a voluntary family facilitation program designed for domestic violence situations. This study would be conducted in collaboration with victim services partners and organizations and take the following into consideration:

- Victims must be under no obligation to participate and no negative inference can be drawn from their refusal to do so.
- In-person meetings or direct contact between the victim and the violent spouse are never mandatory. The facilitator acts as the link between the parties.
- Facilitators must have access to all information relevant to the assessment of risk, including the information concerning criminal, civil and youth law proceedings.
- The program must provide for legal counselling sessions.
- The program’s services must be provided free of charge, as is done in family mediation cases where no domestic violence is involved.
- The victim may be accompanied by a person other than the facilitator, who will play a supporting role and may advocate for the victim’s rights.
- The program must not aim to achieve a compromise between the parties or cite a communication problem as the cause of domestic violence.

- Facilitators must be adequately and continuously trained in matters of sexual assault and domestic violence, namely to be able to identify power relationships and their implications.
- Judges must refrain from making any comments aimed at encouraging the victim to participate in the program or achieving a settlement.
- The program must be evaluated to determine its effectiveness and capacity to address victims' needs.

**Recommendation 132:** Modify section 38 of the *Youth Protection Act* to create a separate category of maltreatment for cases where children are exposed to or are victims of domestic violence.

**Recommendation 133:** Provide a sufficient number of accessible, safe locations for facilitating and supervising visitation rights.

**Recommendation 134:** Ensure that there is a sufficient number of workers to supervise visits or exchanges of custody and provide them with specialized training in matters of domestic violence.

**Recommendation 135:** Review and simplify the procedures for breaking a lease due to domestic violence or sexual assault under section 1974.1 of the *Civil Code of Québec*.

**Recommendation 136:** Ensure that the lease cancellation takes effect as soon as the public officer has approved the application.

**Recommendation 137:** Adopt policies to prevent the identities of victims of sexual assault or domestic violence who ask for police protection from being revealed to the Canada Border Services Agency.

**Recommendation 138:** Set up a working group to study the ways in which sexual assault and sexual harassment are handled in the workplace and the consistency, simplicity and effectiveness of the available remedies.

**Recommendation 139:** Create an obligation that requires employers to ensure that employees who are victims of domestic violence are protected at work.

**Recommendation 140:** Examine the application of the *Act to prevent and fight sexual violence in higher education institutions* (CQLR, chapter P-22.1) and ensure follow-up with the institutions concerned.

**Recommendation 141:** Commit resources to the implementation of CQLR, chapter P-22.1, particularly in regard to the desired awareness-raising and prevention measures to be implemented in the college and university community.

**Recommendation 142:** Conduct an in-depth review of the *Crime Victims' Compensation Act* and the functioning of the organization in charge of its application, with particular focus on the difficulties encountered by victims of sexual assault and domestic violence.

**Recommendation 143:** Ensure that the pre-testimony preparation program can be tailored to different areas of law and is systematically offered to all victims of sexual assault or domestic violence, regardless of the legal forum involved.

**Recommendation 144:** Ensure that victims of sexual assault or domestic violence have access to separate waiting rooms in all legal institutions concerned.

**Recommendation 145:** Ensure that victims of sexual assault or domestic violence have access to testimonial aid measures in all areas of law.

**Recommendation 146:** Modify the rule of relevancy of evidence to avoid introducing myths and prejudices into the assessment of the sexual assault or domestic violence victim's credibility.

**Recommendation 147:** Review and assess the restorative justice programs available to victims of sexual assault or domestic violence to ascertain whether they take the specifics of these types of crimes into account, ensure the safety of the victims and address their needs.

**Recommendation 148:** Work in cooperation with Indigenous experts in restorative justice on the process to review and assess existing restorative justice programs to benefit from their knowledge in this area.

## CHAPTER 11 ENSURE CONSISTENCY THROUGHOUT THE JUSTICE SYSTEM

**Recommendation 149:** Look into the feasibility of implementing a Unified Family Court in Québec as part of family law reform.

**Recommendation 150:** Raise awareness of the power of the Youth Division of the Court of Québec, in hearing an adoption or protection case, to issue court orders concerning the exercise of parental authority and child custody, emancipation and guardianship, and encourage its use.

**Recommendation 151:** Modify section 37 of the Québec *Code of Civil Procedure* to give the Court of Québec the power to award child support or a compensatory allowance, raise awareness of this new power among citizens and lawyers and encourage them to use it.

**Recommendation 152:** Design and implement a “One Family, One Judge” pilot project for sexual assault or domestic violence cases involving both the Criminal and Youth divisions to harmonize and improve their progress and processing.

**Recommendation 153:** Create the position of Court Coordinator to improve the sharing of information between courts and ensure better case coordination and consistency in the decisions rendered.

**Recommendation 154:** Adopt guidelines to favour the consistent application of information communication and case coordination measures.

**Recommendation 155:** Maintain the communication and coordination measures put in place using technology developed in symbiosis with the Transformation Organisationnelle de la Justice [organizational transformation of law] project.

## CHAPTER 12 ESTABLISH A SPECIALIZED SEXUAL ASSAULT AND DOMESTIC VIOLENCE COURT

**Recommendation 156:** Establish a specialized sexual assault and domestic violence court in the Court of Québec.

**Recommendation 157:** Deploy the specialized court with a view to serving all of Québec by taking urban and regional realities into account.

**Recommendation 158:** Provide a safe, welcoming environment for victims and their loved ones and ensure that the physical facilities allow for the minimization of contact with the accused.

**Recommendation 159:** Reserve safe hearing rooms for victims with rolls specifically designed for sexual assault and domestic violence cases.

**Recommendation 160:** Make testimonial aid measures available in all courthouses and points of service.

**Recommendation 161:** Provide everyone working in the specialized court, from judicial officers to specialized professionals, with specific, continuous training on sexual assault and domestic violence issues.

**Recommendation 162:** Provide judges sitting on the specialized court with specific, continuous training on sexual assault and domestic violence, with particular focus on legal knowledge and skills, as well as sensitivity to the issues and victims.

**Recommendation 163:** Provide prosecutors assigned to the specialized court with specific, continuous training on sexual assault and domestic violence, with particular focus on legal knowledge and skills, as well as sensitivity to the issues and victims.

**Recommendation 164:** Apply the vertical prosecution principle as part of the specialized court proceedings.

**Recommendation 165:** Encourage better, proactive management of cases by specialized court judges and develop guidelines on the handling of sexual assault and domestic violence cases.

**Recommendation 166:** Equip the specialized court with a court coordinator to ensure that all relevant information is shared between the various legal authorities.

**Recommendation 167:** As part of the specialized court, have trained, dedicated professionals offer support services for victims of sexual assault and domestic violence.

**Recommendation 168:** As part of the specialized court, ensure that the following services are offered to adequately respond to the victims' needs:

- Translation/interpretation and other communication aids.
- Liaison with police services specializing in sexual assault and domestic violence.
- Liaison with designated centres and medical resources.
- Referral to legal aid or a pool of lawyers specializing in areas other than criminal law.
- Liaison with centralized referral helplines, i.e.: SOS violence conjugale and Info-aide violence sexuelle
- A comprehensive mechanism for information on the conditions governing the release of the accused (including follow-up in case of violation).
- Liaison with the crisis centre for at-risk cases in the region.
- Liaison with the testimonial aid program for adults and minors.
- Liaison with programs for violent spouses.
- Liaison with programs for sex offenders.
- A resource person to help victims fill out forms and prepare statements, including applications to IVAC (the criminal injuries compensation board) and the application for compensation under the *Criminal Code*.

**Recommendation 169:** Offer all integrated services for Indigenous people through the Centre intégré d'aide et de services holistiques des Premières Nations et Inuits en matière d'agressions sexuelles et de violence conjugale [centre for integrated support and holistic services for First Nations and Inuit victims of sexual assault and domestic violence].

**Recommendation 170:** Mandate a multidisciplinary committee made up of representatives of the stakeholders of the specialized court to ensure that the court meets the established objectives and adopt the changes deemed necessary for its success.

**Recommendation 171:** Equip the specialized court with a research section mandated to document best practices and compile the information the committee requires to carry out its work.

**Recommendation 172:** Ensure that more detailed statistics are kept on sexual assault and domestic violence in accordance with the principles of gender-based analysis and, more specifically:

- Categorization of the reasons given by the Director of Criminal and Penal Prosecutions for closing cases.
- Number of guilty pleas.
- Number of charges dropped.

- Number of times legal proceedings have been substituted for a peace bond under section 810 of the *Criminal Code*.
- Frequency of use of the peace bond under section 810.1 of the *Criminal Code*.
- Collection of statistics on the use of testimonial aids.
- Collection of statistics on the imposition of a restitution order when requested.

## CHAPTER 13 PROMOTE AND APPLY THE CANADIAN VICTIMS BILL OF RIGHTS

**Recommendation 173:** Improve the process of providing information to the victim by using more up-to-date communication tools such as email and text messaging.

**Recommendation 174:** Ensure that professionals receive better information, namely concerning victims' rights, the obligations of the various bodies involved and the mechanisms put in place, to enable them to provide better support for victims.

**Recommendation 175:** Ensure wider dissemination of information concerning the rights and remedies set out in the *Canadian Victims Bill of Rights* to various organizations across Québec (e.g., victim services network, legal aid, provincial support organizations, etc.).

**Recommendation 176:** Implement quick, simple mechanisms and tools for receiving and handling complaints filed by victims who feel that their rights to information, protection, participation and restitution have been violated.

**Recommendation 177:** Ensure annual reporting and evaluation of the handling and follow-up of complaints filed.

**Recommendation 178:** Establish a Québec Ombudsperson's Office for victims of criminal acts to update and consolidate the rights and remedies set out in the *Canadian Victims Bill of Rights* and, more specifically:

- Inform and advise victims on the steps to be taken to file a complaint with government departments or agencies in the first instance.
- Ensure impartiality in handling complaints filed by victims who have exhausted all mechanisms of the government departments and agencies for processing complaints.
- Analyze the data collected and report the results to the Legislative Assembly.
- Conduct systematic reviews of the issues affecting victims of criminal acts and the various challenges they face in exercising their rights and remedies.
- Make recommendations likely to improve laws, social policies and practices that may help strengthen victims' rights and remedies.

**Recommendation 179:** Use various means to promote information on victims' rights and remedies with a view to reaching a greater number of victims as well as the general public.

**Recommendation 180:** Support and promote the use of the *Canadian Victims Bill of Rights* and the measures, services and programs that enable victims to exercise their rights and remedies.

**Recommendation 181:** Recognize and provide financial support for initiatives to ensure and consolidate implementation of the *Canadian Victims Bill of Rights*.

**Recommendation 182:** Revise the *Act respecting assistance for victims of crime* to ensure it is updated and aligned with the *Canadian Victims Bill of Rights*.

## CHAPTER 14 MEET THE NEED FOR TRAINING IN MATTERS OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE



**Recommendation 183:** Ensure that all psychosocial, legal and medical professionals receive general, multisectoral and continuous training on sexual assault and domestic violence, with particular focus on the various aspects under study by the committee.

**Recommendation 184:** Ensure that prevention and awareness-raising campaigns are maintained and that some are tailored to the specific realities of certain groups.

**Recommendation 185:** Ensure that some of the prevention and awareness-raising campaigns directly target the perpetrators of sexual assault or domestic violence.

**Recommendation 186:** Identify and document all training programs and sexual assault and domestic violence awareness-raising campaigns in each area of intervention.

**Recommendation 187:** Make the Secrétariat à la coordination et à l'intégration des actions en matière de violences sexuelles et conjugales [secretariat for the coordination and integration of actions in matters of sexual assault and domestic violence] responsible for documenting, evaluating and coordinating the development of training programs and awareness-raising campaigns.

## CHAPTER 15

### ESTABLISH A SECRETARIAT FOR THE COORDINATION AND INTEGRATION OF ACTIONS IN MATTERS OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE

**Recommendation 188:** Ensure that the government departments responsible for the commitments set out in the various action plans set up a joint funding plan.

**Recommendation 189:** Set up the Secrétariat à la coordination et à l'intégration des actions en matière de violences sexuelles et conjugales as the authority accountable at the highest level of government.

**Recommendation 190:** Make the Secrétariat à la coordination et à l'intégration des actions en matière de violences sexuelles et conjugales responsible for coordinating, incorporating and evaluating all actions taken in matters of sexual assault and domestic violence, including those stemming from implementation of the recommendations set out in this report.

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