

# You Have Options: Help After Sexual Assault



If you have been the victim of a sexual assault, there is help for you. You may be wondering what to do next, such as reporting the assault to police. You may be unsure about what will happen if you do.

This guide will help you:

- recognize and understand sexual assault
- know your rights
- understand the criminal justice system, including making a police report and going to court
- stay safe
- know your options
- get counselling, support and healing

Your health is important.

- Even if you can't see signs of injury, get medical help as soon as possible. You may have injuries you can't see, you may have been exposed to sedating or illegal drugs and you may have been exposed to sexually transmitted diseases, infections or unwanted pregnancy.
- For more information about your health and sexual assault, including what type of medical care you will receive at a hospital or nursing station, visit:
- [www.manitoba.ca/youarenotalone](http://www.manitoba.ca/youarenotalone)
- <http://klinik.mb.ca/in-person-counselling/sexual-assault-crisis-counselling/seeking-medical-attention-after-a-sexual-assault/>
- <http://www.hsc.mb.ca/emergencyNurseExam.html>

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## What is Sexual Assault?

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You may have been sexually assaulted if you:

- did not agree to any form of sexual activity or contact
- were forced through pressure, manipulation or threat to participate in any unwanted sexual activity or contact
- could not understand and agree to the sexual activity at the time (e.g., if you were asleep, unconscious, high or drunk).

## What should I do if I've been sexually assaulted?

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- If you believe you are still in danger, call 911 or your local police.
- Go to a safe place.
- Go to a hospital, clinic or nursing station as soon as possible for medical care.

- Tell someone you trust (e.g., friend, relative or Elder).
- Keep evidence in case you decide to report the assault to police (e.g., keep unwashed clothing worn during the assault; don't shower).

### Is it my fault if I've been sexually assaulted?

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Sexual assault can happen to anyone, at any time. It is not your fault. It is 100 per cent the responsibility of the person who assaulted you. Nothing you did or said caused the sexual assault (e.g., the clothes you wore or alcohol you drank).

### What is consent?

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Sexual activity requires the consent of all people participating in the activity. All sexual activity without consent is a criminal offence, regardless of age.

- Consent means freely giving permission for something to happen.
- Consent means a person voluntarily agrees, through words or actions, to engage in sexual activity.
- Consent also means there is a genuine willingness by both parties to actively participate in the sexual activity (only yes means yes). Remember, your consent can be taken back at any time by simply saying you want to stop the sexual activity, or by your actions (including verbal and non-verbal cues).

Always remember that consenting to one sexual act does not mean consenting to another. Also, just because you had sex or sexual contact with someone before, does not mean you consent every time going forward.

For more information about consent, visit Manitoba Status of Women You are Not Alone website: <http://www.gov.mb.ca/youarenotalone/consent.html>

You can also find more legal information about the age of consent at:  
<http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>

## What Are My Rights?

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What happened to you was beyond your control, but you have the right to choose what happens next. To make decisions that are right for you, it's important to have information about options and the help that is available.

Victims of crimes, including sexual assault, have the right to receive information and support. These services are provided by Manitoba Justice Victim Services workers located throughout the province.

Victim Services helps people understand their rights and responsibilities and connect to other services or agencies. Free services are available in person, by phone, fax or Internet. You can contact a Victim Services worker to ask questions about your rights and get information, even if you haven't gone to the police yet.

## How can a Victim Services worker help me?

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If you have questions about reporting to police or the criminal justice system, you can contact a Victim Services worker. They can give you information, and connect you to help in your area.

You can talk to a Victim Services worker, even if the police have not charged the person who assaulted you.

If the police do charge a suspect, Victim Services can give you information about court and the criminal justice system. They can support you through the court process, work with justice officials on your behalf, and may be able to go to court with you. They can also help you find counselling services and apply for financial compensation as a victim of crime. If the suspect is convicted, they can help you prepare a Victim Impact Statement (see Steps in the Criminal Justice System). Victim Services can also help explain the details of the offender's sentence, and what will happen once the sentence has been served (e.g., released from jail; probation). A Victim Services worker can also help you with safety planning and protection.

In Manitoba, a law called *The Victim's Bill of Rights* gives victims of crime the right to request certain types of information and supports from various Manitoba Justice staff. For more information, go to: <https://www.gov.mb.ca/justice/victims/pubs/billofrights.pdf>

### **How do I find a Victim Services worker?**

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To reach a Victim Services worker in your area, call toll free: 1-866-4VICTIM (1-866-484-2846) or go to: [www.manitoba.ca/justice/victims/index.html](http://www.manitoba.ca/justice/victims/index.html).

### **What other help is available to me?**

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You have the right to get counselling or other types of healing support. For more information, please see the Counselling, Supports and Healing section of this guide.

### **Can I get help to pay for counselling?**

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Yes. The Compensation for Victims of Crime program helps victims who suffer personal injury, hardships or expenses because of certain crimes, including sexual assault, by providing support and services.

To apply for benefits, the person who committed the crime does not need to have been caught, but a report must be made to the police. The application should be made within one year of the crime, but some exceptions are made.

### **How do I apply for payment through the program?**

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Contact the Compensation for Victims of Crime office in Winnipeg, or the Victim Services office in your area, to receive an application and help to complete it:

Phone: 204-945-0899 in Winnipeg

Toll free: 1-800-262-9344

There are online forms at:

<http://www.gov.mb.ca/justice/victims/compensation.html>

# How the Criminal Justice System Works

## *Reporting to Police*

### **Do I have to report to police?**

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You do not have to make a report to the police about what happened to you. If you decide to report to the police, they can take actions to find the person who assaulted you and possibly charge them with a crime. However, the decision to report is up to you. You can have a friend, or other support person, with you when you talk to the police. This could also include a support person from Klinik Community Health Services, Ka Ni Kanichihk or Survivor's Hope Crisis Centre (northeastern Manitoba).

If you were sexually assaulted by your intimate or domestic partner (past or present), and report the assault to police, they are required to investigate the incident fully. If the police decide there is evidence that a crime has been committed, they may lay charges. For example, if you report a sexual assault by a boyfriend or husband, the police are required to investigate, even if you change your mind and decide that you no longer want to proceed. If you were younger than 16 years old at the time of the assault, the police may also be required to investigate (depending to some extent on your age, and the age of the other person). If you are under 18, the person to whom you reported the assault must call Child and Family Services to report what happened.

### **Can I get medical help without reporting to police?**

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Yes. Choosing to have a sexual assault examination, and reporting the sexual assault to police, are two separate processes. As an adult (over 18), you can get confidential, medical help without reporting to police. If you are under 18, you can still get confidential medical help without reporting to police. Depending on your age and the age of the person who assaulted you, Child and Family Services may have to be contacted. If someone (e.g., nurse or health professional) knows that a sexual assault involved a child under the age of 18, then, by law, they must contact Child and Family Services.

When you get medical help after a sexual assault, you will be examined for injuries, have tests to check for sexually transmitted infections, unwanted pregnancy and exposure to illegal or sedating drugs. You can also choose to have evidence collected that could help the police investigation.

Please note that in most places outside of Winnipeg, if you want to have a sexual assault examination to collect evidence, the RCMP bring the examination materials to the hospital for the doctor or nurse to do the exam. The process is different in Winnipeg at the Health Sciences Centre (please see below).

## What to expect from health care?

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### ***In Winnipeg:***

You can visit any Emergency Department or Urgent Care Centre to receive medical care. Health Sciences Centre has Sexual Assault Nurse Examiners who may be consulted.

The Health Science Centre Sexual Assault Program is staffed with a team of nurses, specifically trained in providing care to patients who have experienced a sexual assault. All sexual assault patients are admitted through the HSC emergency departments. The goal of the Sexual Assault Nurse Examiner (SANE) is to provide options and choices about medical care and/or police reporting, provide medications to prevent infection and pregnancy, and connect patients with counselling services so they have appropriate support to transition back into the community.

When you report to the emergency department at Health Sciences Centre, you will visit the triage desk and be asked why you have come to hospital. At this time, you may be asked if you want to see a SANE nurse. They will also ask if you would like to have a trained volunteer from Klinik's Sexual Assault Program come to the hospital to stay with you. This person can help answer your questions, support you and explain your options. They can also stay with you for the medical examination and while you talk to police. You can also bring a support person (friend or family) with you to hospital.

The SANE nurse will help you decide the best medical care. If you decide to report the assault to police, the nurse will also assist you with contacting



the police. An officer in plain clothes may either come to the hospital to talk to you, or contact you within 24 hours.

For more information about the Health Sciences Centre Sexual Assault Program go to <http://www.hsc.mb.ca/emergencyNurseExam.html>.

### ***Outside Winnipeg:***

Go to your nearest emergency room, clinic, or nursing station. Please visit <https://www.gov.mb.ca/health/publichealth/offices.html> for a list of health care services in your area. In some cases, if you live outside Winnipeg, you may be directed from your local healthcare centre to Health Sciences Centre to see the SANE nurse.

Staff will contact the local police station or RCMP, if you want to make a report about what has happened.

In northeastern Manitoba, Survivor's Hope Crisis Centre (SARAH Program) helps sexual assault victims. Hospital or RCMP staff can call SARAH Program workers to help you. They can provide information, support (e.g., go with you to the hospital or to make a police report), and help refer you to local resources. You can access SARAH, 24/7, through the Selkirk General Hospital, Pinawa Hospital, Pine Falls Health Complex and Beausejour District Hospital. SARAH program staff can be reached at: 1-204-753-5353 during regular business hours.

### **How do I report to police?**

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Health care facilities can assist you with contacting police as described above. You can also report a sexual assault directly to the police:

#### **1. Call the police.**

- For emergency help, call 911. Call 204-986-6222 (in Winnipeg) in non-emergency cases. You can contact the Winnipeg Police Service's Sex Crimes Unit directly at 204-986-6245, for advice or information.
- Outside Winnipeg, call 911 in an emergency or your local police service or RCMP detachment at <http://www.rcmp-grc.gc.ca/detach/en/find/MB> for non-emergencies.

## 2. Go to a police station.

You may also report a sexual assault by going to a police station, community station or RCMP detachment.

### What should I know about making a police report?

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If you provide a statement to the police about what happened to you, it will likely be recorded on video (or a sound recording, if video is not available). The police will gather the evidence they need, such as clothing you were wearing at the time of the incident, the doctor's report, and take photos of your injuries.

It is important to tell the police everything you remember about the assault – even something you are not sure is important. The police will give you an incident card after you have given your statement. If the police believe there is enough evidence, they may lay charges against the person that sexually assaulted you. **IMPORTANT:** If charges are not laid, this does not mean police do not believe you or that a sexual assault did not happen. It means there is not enough evidence to prove a criminal charge in court. You can contact police to find out what decision they have made about laying charges.

### What are my rights in a police interview?

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When you talk to the police, you can:

- expect to be treated with courtesy, compassion and respect
- ask that the police officer taking your statement be of the same gender as you, though this may not always be possible, based on the number of officers available, especially in small or remote communities
- have discussions take place in a more private location
- ask the officer to repeat or explain any question or the reason for any question

- take a break from questioning, if necessary
- ask for an interpreter, if your first language is not English or French
- get communication and/or transportation help, if you have a disability
- bring someone with you to the police station (e.g., friend, relative or counsellor)
- have a volunteer from Klinik, Ka Ni Kanichihk or Survivor's Hope (northeast Manitoba) stay with you

You have the right to end your statement at any time. In the case of domestic violence, or an assault involving a minor, the police may still proceed with an investigation.

You have the right to review the statement you gave, and to get a card with the incident number and the police officer's names and badge numbers. The incident number will be important when getting information about your case at a later date.

### **Will the suspect be arrested and charged?**

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After you give your statement, the police will investigate. They may need to talk to other witnesses, collect more evidence, such as phone or text records, get lab results or talk to other officials before deciding to lay charges.

If the police decide that a crime has been committed, they will arrest and charge the person responsible. If they cannot find the person they believe is responsible, a warrant will be issued for that person's arrest. It could take some time to find the person. If the suspect is arrested there could be rules put in place that would prevent the person from contacting or coming near you as a condition of their release. When you make your statement to the police, you can discuss if you feel this is needed.

## What if police decide not to charge the person with a crime?

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Sometimes, police ask the Crown attorney's office to help them determine if charges should be laid. In Canada, a Crown attorney is a lawyer who works on behalf of the province to assess cases and handle the ones that will be prosecuted in a criminal court.

If the police decide not to charge the person, there are still options available to you. Please see the sections about other ways of reporting, as well as getting counselling and healing supports. You may still feel unsafe. Victim Services can help you with safety planning. You may be able to apply for a protection order or a peace bond (see the Staying Safe section of this guide for more information). Note that if there are no charges, this doesn't mean a crime did not happen, only that there is not enough evidence to prove it in court.

## What happens after the police finish their investigation?

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It can take a long time for a decision about whether criminal charges will be laid. For an update on your case, call the number on your police incident card or phone the police department or detachment where you reported your complaint.

You can also call Victim Services or access their websites at:

- The Winnipeg Police Service's Victim Services Unit (204-986-6350)  
[http://winnipeg.ca/police/Units\\_and\\_Divisions/victim\\_services.stm](http://winnipeg.ca/police/Units_and_Divisions/victim_services.stm)
- Brandon Police Service's Victim Services (204-729-2335)  
<http://police.brandon.ca/victim-services>
- Pembina Valley Victim Services (204-325-0829)
- Manitoba Justice's Victim Services Branch (for a list of local Victim Services offices across Manitoba, call toll free 1-866-484-2846)  
<http://www.gov.mb.ca/justice/victims/>

After charges are laid, Manitoba Justice Victim Services will contact you to talk about how they can help you.

You may also have the right to register under Manitoba's Victims' Bill of Rights to be told about developments in the case as it goes through the court system. For more information, visit <https://www.gov.mb.ca/justice/victims/vrss.html>

## Going to Court

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### ***Do I need a lawyer?***

If the police lay charges, they will then give your file to the Crown attorney or prosecutor (sometimes referred to as "the Crown"). This is the lawyer who will try to prove your case in court.

Crown attorneys are lawyers who work for the Department of Justice and whose job it is to assess cases and handle the ones where there is a basis to prosecute in criminal court. They are not your personal lawyer, but will consider your concerns about the case when making decisions. It is important to understand that criminal cases go forward on behalf of the public; they are not private proceedings. You are considered to be a witness in the case, so you do not need to hire a lawyer to represent you during the proceedings. Victim Services is able to support and assist you through this process.

### **Will the person be released or have to stay in jail?**

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There are two different types of situations where the accused could be released – Release by Police, and Release by Judge.

#### ***Release by Police***

In some cases, the police can release the accused if the person promises to come to court at a later date. They may be released with conditions that they must follow while the case is going through the courts. These conditions might include not having contact with you and not going to your home, work, church and school. This is often the case if the person has no criminal record.

## **Release by Judge**

The police may keep the accused in jail until the person's first court appearance (see end of guide for definitions). In those cases, a judge decides if the accused must stay in jail until the trial. The judge may release the accused, if the person agrees to obey certain bail conditions, such as coming to court when needed, staying away from drugs or alcohol or not having any weapons.

The judge may also order the accused not to contact you in any way (e.g., in person, by phone, by mail, through email or social media). For your safety, it is important to call the police if the accused attempts to contact you whether they are in custody or have been released. This information will also be important to the court case.

Victim Services will give you any release conditions in writing. They can also answer any questions you may have. If anything changes, or if the person is arrested again, Victim Services will contact you. It is very important to let their office know any time you move or change your phone number.

## **What happens first with my court case?**

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It can take some time before the lawyers decide what will happen with the case. Sometimes, the lawyers have to wait for more information or lab test results. This can take time.

There may be several court dates that the person charged must attend. Sometimes, their lawyer will go to court on their behalf. You do not need to go to court at this point, because your Victim Services worker will follow the case for you and tell you about any important developments.

## **Will my personal information be shared in court?**

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It is possible that the lawyer for the accused may ask for some of your personal records (e.g., medical and counselling records). If so, a lawyer may be assigned to you to give you free advice and information.

For more information about Third-party records, please visit <http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/tpifact-dtfiche/fact1-fiche1.html>.

For more information about Third-party records in Manitoba, contact Victim Services at 204-945-6851 or 1-866-4VICTIM (1-866-484-2846).

### Will I have to testify?

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If the accused pleads not guilty, you may have to go to court and appear as a witness for the Crown attorney. There will be a court session (hearing) where you will be asked to tell the court what happened to you. The Crown attorney is there to help you tell the judge about what happened. You will not have to testify if the accused pleads guilty to the charge, which that person can do at any point in the court case.

Your Victim Services worker will tell you about important court dates, especially ones where you must attend. If you must testify, you will get a subpoena, which is a notice telling you when and where to come to court. For more information, go to <https://www.gov.mb.ca/justice/victims/pubs/witnessfactsheet.pdf>.

It is best to meet with the Crown attorney before the court date to help you get ready for the hearing. The Crown attorney will need to talk to you in more detail about what happened. To help you remember details, you will also be able to review the statement you gave to police. The Victim Services worker will go to this meeting with you, if possible. The Crown attorney will give you an idea of the types of questions that both lawyers might ask you in court.

It is normal to feel nervous about testifying. It is not an everyday experience for most people. You may be able to have a support person sit beside you when you testify or use a screen that blocks your view of the accused. These options are called testimonial aids and you should tell the Crown attorney or the Victim Services worker, as soon as possible, if you think this would help you.

### What will court be like?

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Your Victim Services worker may go to court with you. You can also bring a friend or a family member to court. If you are working with Klinik, the Klinik worker or any other support person could also attend with you.

They can stay in the courtroom as long as they are not witnesses in the case.

Court usually takes place in the community where the assault happened. Many communities in Manitoba have a courthouse but, sometimes, court will occur at another place, such as a community centre or a band office. If you do not live in the community where the assault happened or you have since moved, you should let the Crown attorney's office know as soon as possible. Their office can consider options for transportation.

The trial will be open to the public. You can tell the Crown attorney that you want your identity protected, and the judge may order that your identity cannot be made public.





A trial can be heard by a judge alone, or by a judge and jury. A jury is 12 people from the community who hear the evidence and decide whether the accused is guilty or not.

### **What will happen to the person, if convicted?**

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If the accused pleads guilty or is found guilty, the judge decides what the punishment will be. The judge will consider the circumstances of the crime and the accused's background before deciding on a punishment. The punishment for sexual assault can be anything from a fine to a prison sentence. The judge can also order a suspended sentence or probation for the accused. A suspended sentence is when the person is found guilty, but they are allowed to serve the sentence out of jail.

You have the right to complete a Victim Impact Statement, which can help the court better understand how this crime has affected you emotionally, physically and financially. Your Victim Services worker can help you write it. You also have the right to read the statement in court at the sentencing hearing. For more information, go to [https://www.gov.mb.ca/justice/victims/impact\\_stmt.html](https://www.gov.mb.ca/justice/victims/impact_stmt.html)

### **What if the person is not convicted?**

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If the accused is found not guilty, this does not mean that the judge does not believe you. It means it can't be proven beyond a reasonable doubt that they committed the crime. Read the section titled, What Other Options Do I Have, to help you decide what to do next. You may also want to get counselling or other healing supports (see the section titled Counselling, Support and Healing). If you feel unsafe, you may be able to get a protection order, peace bond or other police help. These are court orders that would require the other person to stay away from you (see Staying Safe section of this booklet).

## Staying Safe

Whether or not you report the assault, you deserve to feel safe. Tell someone you trust (e.g., friend, relative or Elder) about what happened to you. If the person who sexually assaulted you, or someone they know, ever bothers you – call the police. If you believe that you are in danger, call 911.

It is a good idea to have a safety plan. It will remind you of what to do if you are in danger and you need to act quickly. In your safety plan, you can list places you can go where you know you will be safe, and where there are people who will help you. If you want to talk to someone about creating a safety plan, contact Victim Services **toll free 1-866-4VICTIM (1-866-484-2846)**, Clinic's Sexual Assault Crisis line **1-888-292-7565**, Ka Ni Kanichihk's Heart Medicine Lodge at **204-953-5820** or Survivor's Hope Crisis Centre (Interlake) at **204-753-5353**.

If the person who assaulted you is arrested by the police and/or charged with a crime, a judge may have already ordered the person to stay away from you.

However, if the person has not been arrested and/or charged, you can apply for certain types of court orders that require the person to stay away from you and not go to places that you usually go (e.g., home, school, workplace, church). You will need to meet with a justice official (called a judicial justice of the peace or JJP) to get the court order. If you live in a rural or remote community where there is no JJP, you may be able to meet by phone. If the person does not obey these orders, and attempts to contact you, you should call the police.

### Protection Order – For Domestic Violence and Stalking Situations

The most common type of court order is a Protection Order. You can apply for a Protection Order if someone has stalked you or subjected you to domestic violence and there is reason to believe that the behaviour will continue. You do not have to wait until you have actually been injured to seek help. As the applicant, you must explain to a JJP why you need the order and give facts, times, dates and locations of incidents that show why you urgently need protection. More information can be found at [https://www.gov.mb.ca/justice/domestic/pdf/protection\\_orders.pdf](https://www.gov.mb.ca/justice/domestic/pdf/protection_orders.pdf)

You can also apply for a different type of Protection Order if you have been a child victim of sexual exploitation, or a victim of human trafficking at any age. For more information, go to <https://www.gov.mb.ca/justice/csehtfactsheet.pdf>

A Victim Services worker, or someone trained locally in your community, can help you to get a protection order. Call 1-866-4VICTIM (1-866-484-2846) for information about getting a protection order or to talk to your Victim Services worker.

There is no cost for a protection order. They stay in effect for three to five years.

## Prevention Order

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There are other types of orders that can prevent someone from having contact with you. This includes a prevention order. This type of order is more complex, involves different court processes, and you may need to hire a lawyer to help you. A prevention order only applies in domestic violence and stalking situations.

For more information, go to [https://www.gov.mb.ca/fs/fvpp\\_toolkit/pubs/protection\\_peace\\_bonds\\_en.pdf](https://www.gov.mb.ca/fs/fvpp_toolkit/pubs/protection_peace_bonds_en.pdf)

## Peace Bond

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A Peace Bond is a court order that can be issued by a judge when you fear personal injury to yourself, your partner or your children, or damage to your property. There does not need to be domestic violence or stalking to get a peace bond. A peace bond is different than a protection order, in that the person you are seeking the order against, must appear in court (it cannot be granted in their absence). There are two ways to get a Peace Bond:

1. You can apply at your local Provincial Court Office for a Peace Bond. Once you have made an application in writing, you will be given a date to appear in court. The person you are seeking the order against, called the respondent, must also appear in court on that date. If the respondent does not agree to sign the Peace Bond, a

hearing will be set for another date. It can take several weeks to get an initial court date and it can take several months if a hearing must be held. Peace Bonds are issued for up to a maximum of one year. There is no fee to apply for a Peace Bond.

2. A judge can order a Peace Bond when a criminal charge against an accused is dropped or stayed, in court, but the victim is still afraid and would like protective conditions to be put in place.

### What else can I do?

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Having a protection order is a good tool, but it doesn't guarantee your safety. Continue to use your safety plan. Here are more tips you can consider to help you feel safer (source: <http://www.thehotline.org/help/path-to-safety/>). Remember that no matter what safety measures you take, if something were to happen, it is not your fault.



- Change your locks and phone number.
- Call your phone company to request caller ID service. Ask that your phone number be blocked, Once your number is blocked, if you call someone, that person can't get your new, unlisted phone number.
- Change your work hours and the route you take to work.
- If you or your children attend school, tell school authorities about your situation.
- If you have a court order (e.g., no-contact order or protection order), keep a copy of it with you at all times.
- Tell your friends, neighbours and employers that you have a protection order in effect.
- Give copies of the protection order to employers, neighbours and schools, along with a photo of the offender.
- Consider renting a post office box or using the address of a friend for your mail.
- Be careful when giving out your new address and phone number.
- Reschedule any appointments that the offender might know about.
- Review privacy setting on social media and consider what information you share
- Use different stores and places to socialize than you usually do.
- Alert neighbours and ask them to call the police if they feel you may be in danger.
- Tell your co-workers about the situation and have your calls screened, if possible.
- Explain your situation to people who take care of your children or drive them/pick them up from school and activities, and give them a copy of the protection order.

## What Other Options Do I Have?

### Other Types of Reporting

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Reporting a sexual assault to the police may result in a criminal charge against the attacker, which means that the police have evidence that the person has broken the law.

Depending on where or when the sexual assault or inappropriate sexual behaviour took place, there are other options available to you, other than reporting to the police.

### Third Party Reporting

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In Manitoba, it is possible to make a third-party report about a sexual assault. This means that you can choose to report a sexual assault to a community-based agency (not police). This agency will then report it to the police on your behalf, without sharing your identity with them. If you choose this option, be aware that the police may be limited in the action they can take if they cannot talk to you directly. For more information about third-party reporting, or to make a third party report outside Winnipeg, call Klinik's Sexual Assault Crisis line at **1-888-292-7565**. In Winnipeg, you can contact Klinik, Ka Ni Kanichihk's Heart Medicine Lodge at **204-953-5820**, or Sage House at **204-943-6379**, to make a third party report.

### Disclosing Sexual Assault at Post-Secondary Institutions

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In Manitoba, there are laws in place that require post-secondary institutions (including universities, colleges and private vocational institutions) to have policies that address sexual violence, including sexual harassment and assault. These policies must include a process for individuals to report incidents of sexual violence. The policies must also focus on supporting survivors and providing accommodations to students.

By the end of 2018, all post-secondary institutions must have these policies in place. The processes will be different, depending on the institution. Contact your post-secondary institution to find out what processes are in place and how they can help you.

## The Manitoba Human Rights Code and Sexual Harassment

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The Manitoba Human Rights Code prohibits sexual harassment, which is defined as:

- a series of objectionable and unwelcome sexual solicitations or advances
- a sexual solicitation or advance made by a person in a position of authority, if that person should reasonably have known that their behaviour would be unwelcome
- retaliating against someone for rejecting a sexual solicitation or advance

Under the code, employers, landlords and service providers are responsible for providing a harassment-free environment. These individuals must not harass others and must ensure those around them are protected from harassment. If these individuals are made aware of a harassment concern, they must take reasonable steps to follow-up on the concern and stop the harassment. This includes harassment of a current or prospective employee, co-worker, client or customer.

If you have been subjected to harassment by your employer/landlord or a service provider, or if you believe that these individuals have not properly responded to your harassment complaint, you can report the information to the Manitoba Human Rights Commission (see below). Please note that sexual harassment is not a criminal offence.

## Sexual Harassment in the Workplace – Workplace Health and Safety Regulation

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The Workplace Health and Safety Regulation requires that all workplaces in Manitoba must have a written harassment prevention policy. This policy must include information about how:

- to make a harassment complaint
- a harassment complaint will be investigated
- the complainant and alleged harasser will be informed of the investigation results

If you believe your workplace has not properly responded to your harassment complaint, or for more information about making a complaint about sexual harassment in your workplace, contact Safe Work Manitoba toll-free at **1-855-957-SAFE (7233)**.

## Reporting to the Manitoba Human Rights Commission

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If the employer, landlord, service provider or business owner fails to take prompt and effective action regarding your concern, then you can contact the Manitoba Human Rights Commission for information or to file a complaint.

The Manitoba Human Rights Commission can be reached toll-free at **1-888-884-8681** or you can visit their website at <http://manitobahumanrights.ca/v1/education-resources/resources/harassment-and-sexual-harassment.html>.

If you choose to file a human rights complaint, the commission will investigate it and decide if there is enough evidence of a violation of The Human Rights Code to require a public hearing of the complaint. When assessing a complaint, the commission represents the public's interest in eliminating discrimination and ensuring that employers, landlords and service providers comply with the code. If the commission determines that the code has been violated, they can order the person who is the subject of the complaint to take steps to ensure that harassment does not occur again. That person may also be ordered to compensate the complainant for injury to dignity, feelings or self-respect, and for financial loss that may have occurred because of the harassment.

The commission also offers mediation at various stages in the complaint process, to give parties an opportunity to try to resolve the complaint, without the need for a hearing.

A support person from Klinik's Sexual Assault Program can help you with this process and go with you to meetings with the Human Rights Commission, if necessary.



## Reporting to Regulated Professional Bodies

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If you belong to a union through your workplace, you can also contact them for help and advice as your collective agreement will consider human rights legislation and anti-harassment provisions. If your workplace has an employee assistance program (where you can get counselling or talk about workplace issues or problems), you could also contact them for help.

If the person who assaulted you, or behaved inappropriately in a sexual way, belongs to a regulated profession (e.g., doctor, nurse, lawyer, teacher, massage therapist, chiropractor, social worker, psychologist or engineer), you could complain to the regulatory body that oversees their conduct (e.g., professional association). For a list of regulated professions in Manitoba, go to [https://www.gov.mb.ca/ie/study/other/prof\\_reg\\_bod.html](https://www.gov.mb.ca/ie/study/other/prof_reg_bod.html).

## Civil Court

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In a criminal case, the accused is found guilty if it can be proven beyond a reasonable doubt that they committed the crime for which they are charged. This can be difficult. Even if someone is guilty, the evidence presented may not be enough to prove the crime beyond a reasonable doubt, so the offender may go free.

A victim could also choose to file a lawsuit in civil court against the person who assaulted them. A civil lawsuit is a court-based process where one person (in this case the victim), can seek to hold another person (the person who assaulted them) responsible for some type of wrongdoing. In civil court, it is only necessary to prove that it's more likely than not that the incident occurred (this is called the balance of probabilities).

A lawsuit is filed to the Court of Queen's Bench, which hears both small claims disputes (for sums of money under \$10,000) and larger disputes. In small claims court, you don't need to have a lawyer. But, for other types of lawsuits, it is best to hire a lawyer to represent you. This can be expensive. For more information, contact the Law Phone-In and Lawyer Referral Program at the Community Legal Education Association at **204-943-2305** or toll free **1-800-262-8800 (outside Winnipeg)**. Staff can provide general legal information and advice or referrals over the phone.

## Counselling, Support and Healing

To better understand what happened to you, you may benefit from counselling or healing services. If you need to talk to someone, there is help available through the following programs:

### Sexual Assault Programs

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#### ***Sexual Assault Crisis Line (province-wide, 24/7)***

From anywhere in Manitoba, 24 hours a day, you can call Klinik Community Health Centre's Sexual Assault Crisis line:

In Winnipeg: **204-786-8631**

Toll free in Manitoba: **1-888-292-7565**

**TTY: 204-784-4097**

#### ***Sexual Assault Crisis Program (Winnipeg)***

Klinik also operates a Sexual Assault Crisis Counselling Program. This program includes short-term counselling for sexual assault victims (available in Winnipeg). For in-person counselling, call the Sexual Assault Intake at **204-784-4059**. Volunteers from Klinik in Winnipeg are available to go to the Health Science Centre to support victims who are having medical and forensic exams. For medical or legal follow-up appointment inquiries call **204-784-4049**.

#### ***The Laurel Centre (Winnipeg)***

The Laurel Centre provides counselling services to women who have experienced childhood or adolescent sexual victimization and want to resolve long-term effects of the abuse. Any woman who is experiencing the traumatic effects of childhood sexual abuse is eligible for services at the centre. For more information, call: **204-783-5460** or visit [www.thelaurelcentre.com](http://www.thelaurelcentre.com).

#### ***Sage House (Winnipeg)***

Sage House is a street women's health, outreach and resource centre that delivers services to women involved in survival sex work. Sage House serves

women, including transgender women who are street-involved and/or involved in the sex trade. To book an appointment, call **204-943-6379**.

### ***Transition, Education & Resources for Females (TERF – Winnipeg)***

TERF is a transition and healing program for children, youth, adults and transgender people who have been exploited through the sex trade (prostitution). TERF helps clients stabilize living situations, promote healthy lifestyles and build confidence and self-esteem. To register call: **204-786-7051 ext. 5311**.

### ***Survivor's Hope Crisis Centre (Interlake)***

Survivor's Hope Crisis Centre supports survivors of sexual violence, as well as family members, loved ones and friends of sexual assault survivors. Persons needing support should call **204-753-5353** during office hours for information about sexual assault trauma. Outside of business hours, this program provides sexual assault crisis intervention services, volunteers to go with survivors to the hospital and police, and provides information and referrals to regional service providers. You can access support, 24/7, through the Selkirk General Hospital, Pinawa Hospital, Pine Falls Health Complex, Beausejour District Hospital and RCMP detachments in northeast Manitoba.

## **Indigenous and Cultural Supports**

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If you identify as an Indigenous person (First Nations, Inuit or Metis), you may want to receive supports that are grounded in your cultural practices, traditions and beliefs. Ask for counselling, advice and support from an Elder in your community. If you live in a First Nations community, you could also go to the local health centre or nursing station to ask for counselling and support.

### ***Ka Ni Kanichihk (Winnipeg)***

Ka Ni Kanichihk's Heart Medicine Lodge program also provides culturally-based support and advocacy services for Indigenous women who have experienced sexual assault and sexual violence. This program is available to all Indigenous people who identify as women and are over the age of 18. It is located in Winnipeg, but accepts participants from outside the city.

For more information, go to <http://www.kanikanichihk.ca/programs/heart-medicine-lodge/> or call Ka Ni Kanichihk in Winnipeg at **204-953-5820**.

### ***Eyaa-Keen Healing Centre Inc. (Winnipeg)***

Eyaa-Keen Healing Centre Inc. offers traditional-based healing approaches for victims of crime, specifically focused on healing from trauma. Call the centre toll free, at **1-877-423-4648**.

### ***Manitoba Keewatinowi Okimakanak (MKO) Mobile Crisis Response Team***

The MKO Mobile Crisis Response Team (MCRT) will provide holistic, culturally sensitive and safe crisis response trauma intervention to all of Manitoba's First Nation communities. The MCRT will work with the community to determine the planned response intervention and deployment to community in a timely manner, as well as work with local resources available in community. To request MKO Mobile Crisis Response Team email [crisisresponse@mkonorth.com](mailto:crisisresponse@mkonorth.com) or call **1-844-927-LIFE (5433)**.

### **Other counselling resources outside Winnipeg:**

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Each regional health authority in Manitoba has both crisis and non-emergency mental health workers. To find the phone number for the mental health contact in your community, visit Manitoba Health at <https://www.gov.mb.ca/health/mh/crisis.html>.

The availability of counselling and mental health supports differs in each region of Manitoba. For resources near you, contact The Canadian Mental Health Association – Manitoba at **204-982-6100** or visit <https://mbwpg.cmha.ca/mental-health/finding-help/>.

If you live in a Manitoba First Nations community and need support, go to the nursing station and ask to talk to a mental health worker. Some communities have mental health workers available, and some can arrange for mental health workers to fly into the community for appointments.

There are other free or low-cost counselling programs for victims of crime in Manitoba. Contact Manitoba Justice Victim Services at **1-866-4VICTIM (1-866-484-2846)** for more information.

## Resources and Phone Numbers

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Canadian Mental Health Association – Manitoba – 204-982-6100

Community Legal Education Association – 1-800-262-8800

Compensation for Victims of Crime Program - 1-800-262-9344

Eyaa-Keen Healing Centre Inc. – toll free at 1-877-423-4648

Ka Ni Kanichihk – Heart Medicine Lodge – 204-953-5820

Klinic Sexual Assault Crisis Line (province-wide 24/7) – 1-888-292-7565

Klinic's Human Trafficking Hotline (province-wide 24/7) – 1-844-333-2211

Manitoba Human Rights Commission - 1-888-884-8681

Manitoba Justice – Victim Services Branch – 1-866-4VICTIM  
(1-866-484-2846)

Manitoba Suicide Prevention & Support Line (24/7) – 1-877-435-7170

MKO Mobile Crisis Response Team – 1-844-927-LIFE (5433)

Safe Work Manitoba - 1-855-957-SAFE (7233)

Sage House - 204-943-6379

Survivor's Hope Crisis Centre (SARAH Program) – 204-753-5353

The Laurel Centre - 204-783-5460

Transition, Education and Resources for Females (TERF) - 204-786-7051  
extension 5311

Manitoba Justice Victim Services – <https://www.gov.mb.ca/justice/victims/>

Klinic Community Health Centre – What is Sexual Assault  
[http://klinik.mb.ca/in-person-counselling/sexual-assault-crisis-counselling/  
what-is-sexual-assault/](http://klinik.mb.ca/in-person-counselling/sexual-assault-crisis-counselling/what-is-sexual-assault/)

Manitoba government - You are Not Alone  
[www.manitoba.ca/youarenotalone](http://www.manitoba.ca/youarenotalone)

Health Sciences Centre's Sexual Assault Program  
<http://www.hsc.mb.ca/emergencyNurseExam.html>

## Legal Terms

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**Accused** – the person charged with a crime

**Bail** – letting the accused out of jail while waiting for the case to go to court.

**Bail (or release) conditions** – special rules the accused must follow if he/she is released from jail while waiting for the case to go to court

**Conviction** – decision by the court that the accused person is guilty in a criminal case

**Court clerk** – someone who helps the judge in the courtroom

**Crown attorney** – lawyer for the Department of Justice whose job it is to assess cases from the police and prosecute criminal charges where appropriate

**Custody** – keeping the accused in jail

**Defence lawyer or counsel** – lawyer who helps the accused person

**Disposition** – the outcome of a case



**Evidence** – things that people say in court or things that are brought into court (phone records or other physical items, such as photos or clothing) to show what happened

**Guilty** – the accused person is found guilty or admits he/she committed a crime

**Investigation** – the police look into the details of what happened

**Judge** – the public official who is in charge of a trial in a court and can make decisions about the guilt or innocence of the accused

**Jury** – a group of people, chosen from the community, to attend a trial, consider all of the evidence and decide if the accused is guilty or not guilty of the crime charged

**Occurrence number** – the special number police use to keep track of each case

**Offender** – a person who was found guilty of a crime

**Probation** – when the accused has to obey certain rules in the community as part of the sentence

**Sentence** – the punishment given to a person convicted of a crime

**Sheriff** – an officer of the court who is responsible for security

**Stay** – to cancel; to stay a charge means the charge will not go to court, because there is not enough evidence

**Subpoena** – a special legal notice delivered to witnesses telling them when to be in court to testify

**Testify** – to give evidence as a witness in a law court

**Trial** – is a formal examination of evidence before a judge or jury, in order to decide guilt in a criminal or civil case

**Victim Impact Statement** – a form filled out by victims that tells the judge how they have been affected by the crime; it may be read aloud in court











**Manitoba Justice**

**Victim Services**

1410-405 Broadway

Winnipeg, MB R3C 3L6

204-945-0662 in Winnipeg

1-866-4VICTIM (1-866-484-2846)

Toll free, outside of Winnipeg

[Manitoba.ca/justice/victims](http://Manitoba.ca/justice/victims)

Aussi disponible en français.

Available in alternate formats upon request.