
Contact and Support Information

Avalon Sexual Assault Nurse Examiner

24 hr Response line

902-425-0122

avaloncentre.ca

Avalon Sexual Assault Centre

902-422-4240

South House Sexual and Gender

Resource Centre

902-494-2432

Mental Health Mobile Crisis Unit

902-429-8167

Victim's Services Emotional Support

HRPD

902-490-5300

Halifax Sexual Health Centre

902-455-9656

Immigrant Services Association of Nova Scotia (ISANS)

902-423-3607

Mi'kmaw Native Friendship Centre

902-420-1576



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Sexual Assault Laws & Definitions



AVALON
SEXUAL ASSAULT CENTRE

Under the Law

In 1983, the Criminal Code of Canada was amended in relation to sexual offenses. Rape and indecent assault were replaced with three levels of sexual assault. Some of the changes include:

The new laws apply equally to both women and men as victims or perpetrators.

Intimate partners are no longer immune to charges of sexual assault.

Corroboration is not required; survivors of sexual assault can prosecute without witnesses.

The “recent complaint” requirement was abolished. Sexual assaults can be prosecuted at *any time* following the assault.

Under the Criminal Code, offences may be tried in court as summary offences or indictable offences.

Summary offence: In relation to sexual assault crimes, an offence punishable by a prison term not exceeding 18 months.

Indictable offence: In relation to sexual assault crimes, an offence punishable by a prison term exceeding 18 months, and up to and including life in prison.

Sexual Assault is found in Section 271 of the Criminal Code. It is considered to be any non-consensual act of a sexual nature, including kissing, fondling, oral/vaginal/anal penetration of any kind, that one person does to another, or has another person do to them. Sexual Assault can be tried as an offence punishable on summary conviction, or it may be tried as an indictable offence. No physical injury is necessary to prove that an offense has occurred when tried as an indictable offence. The maximum penalty when tried as an indictable offence is ten years.

Sexual Assault With a Weapon, Threats to a Third Party or Causing Bodily Harm is found in Section 272 of the Criminal Code. There may be more than one assailant and/or the assailant uses, carries, or threatens to use, a weapon (imitation or real) during the commission of the offence. It also includes sexual assaults in which the assailant threatens to harm, or actually causes harm, to the victim or a third person. The maximum penalty for Sexual Assault With a Weapon, Threats to a Third Party or Causing Bodily Harm is 14 years imprisonment.

Aggravated Sexual Assault is found in Section 273 of the Criminal Code. It is a sexual assault in which the victim is wounded, maimed, disfigured, or in danger of losing her/his life. The maximum penalty for Aggravated Sexual Assault is life imprisonment.

Sexual Harassment is any behaviour, comment or gesture of a sexual nature which is deemed to be offensive. It is unwanted behaviour that makes the receiver feel uncomfortable and can be coercive or subtle in nature. Sexual harassment is an abuse of power and is often used as a way of controlling or intimidating someone. It can happen in educational settings, workplaces or the street. Examples include threats and intimidation, untrue sexual comments about a person, remarks about a person’s sexual orientation, displaying sexist or demeaning pictures, and telling jokes of a sexual nature. Sexual harassment is covered by the Canadian Human Rights Code, and also provincial Human Rights Codes.

Child Abuse refers to the physical, sexual or emotional abuse of a person under the age of sixteen. It may also include situations in which a child is being neglected or exposed to violence in the home. Anyone who has knowledge of, or is suspicious of, child abuse (emotional, physical, sexual or neglect) is required by law to report that knowledge or suspicion to the nearest child protection agency.

Sexual assault is never the fault of the victim. No one asks for, invites, or deserves to sexually assaulted.