

What is Consent?

The Criminal Code of Canada defines consent as a voluntary agreement between two people to engage in a specific sexual activity at a specific time.

- ❖ The person must say “yes”. The absence of “no” does not mean they want to have sex, it must be a clear, enthusiastic “yes!”
- ❖ Consent is based on choice. Consent that is obtained through pressure, fear, force or threats of force (either to yourself or to someone else), is not voluntary consent.
- ❖ No means no.
- ❖ Saying yes to one sexual activity does not mean yes to every sexual activity.
- ❖ At any time, a person can change his/her mind. At the point when a person withdraws consent, continuing the sexual activity becomes a criminal offence.



It is Not Consent When...

- ❖ Someone says “no”.
- ❖ Someone else (a third party) says “yes” for the person.
- ❖ The accused did not determine if the victim consented or said yes.
- ❖ There is no such thing as implied consent. Silence, not fighting back, or unclear conduct does not imply consent.
- ❖ The accused abuses a position of trust, power or authority, such as a teacher, older sibling, parent, babysitter, relative, or coach. Consent is possible only when there is equality between both people.
- ❖ If a person is drunk, has passed out, is asleep, has been drugged, is a child or youth under the age of consent, or is dependent on the abuser, they are not able to give consent.

Sexual Assault is the legal term used in Canada to refer to any form of sexual contact without voluntary consent. Kissing, fondling, sexual intercourse, anal intercourse, and oral sex are all examples of sexual assault if they are done without voluntary consent.

Consent means saying “Yes” because you want to. “No” always means no. If someone tells you to stop a sexual activity, and you continue with it, you are breaking the law.

SEXUAL ASSAULT IS A CRIME!

What is Age of Consent?

The age of consent, also known as the “age of protection”, refers to the age at which a young person can legally consent to sexual activity. All sexual activity without consent, regardless of age, is a criminal offence.

What is Canada’s Age of Consent?

The age of consent for sexual activity is **16 years old**. However, the age of consent is **18 years old** where the sexual activity “exploits” the young person – when it involves prostitution, pornography, or occurs in a relationship of authority, trust, or dependency (e.g. with a teacher, coach, or babysitter). Sexual activity can also be considered exploitative based on the nature and circumstances of the relationship (e.g. the young person’s age, the age difference between the young person and their partner, how the relationship developed – quickly, secretly, or over the internet – and how the partner may have controlled or influenced the young person).

Are there any Exceptions to This?

The Criminal Code provides “close in age” or “peer group” exceptions.

❖ **14 or 15 year olds** can consent to sexual activity with a partner as long as the partner is less than 5 years older and there is no relationship of trust, authority, dependency, or any other exploitation of the young person.

❖ **12 or 13 year olds** can consent to sexual activity with another young person who is less than 2 years older and with whom there is no relationship of trust, authority, dependency, or other exploitation of the young person.

The Rules of Engagement

1. Watch your partner's alcohol or drug intake so that you're aware of their ability to consent.

Someone who is drunk, passed out, high or stoned cannot legally give their consent to have sex. If they aren't able to consent with full awareness, it just doesn't count. And if YOU'RE under the influence of alcohol or drugs, your own awareness and judgment are also greatly reduced. You need to back off until both of you are in a sober state of mind to clearly and enthusiastically say yes to sex. If you can't do that, why would anyone engage in sex with you?

2. Don't misinterpret body language.

Does kissing mean that both people want to have sex? Does flirting or dancing, or even close physical contact? How do you know for sure? Ask before you act. Remember: consent is always critical.

3. If consent is withdrawn, accept it.

Sexual situations are usually emotionally charged. They're also sometimes confusing and maybe even stressful. Even after someone has given their consent to sex, it can be withdrawn at any time and for any reason. If it happens, you may feel frustrated or resentful. Get over it. We all deserve the right to change our minds.

4. Understand the consequences.

The aftermath of sexual abuse/assault only starts with the unwilling survivor. The impacts expand outward like ripples on water, affecting the lives of more and more people: partners, family members, friends, co-workers, and many others.

Crisis Lines

Emergency
911

Kids Help Line
1.800.668.6868

Sexual Assault/Abuse Crisis Line:
1.877.237.5888

This pamphlet has been adapted from Avalon Sexual Assault Center, How Can I Help? Booklet & Association of Alberta Sexual Assault Services, 'No is the Line' Campaign

Programs and services funded by:



Alberta Human Services



What Is Consent?

We are here to provide leadership, coordination, and a unified voice on issues of sexual assault and sexual abuse in the Southeastern Alberta region.

403.548.2717
www.mhsarc.com
#108 - 640 3rd St SE, Medicine Hat, AB T1A 0H5