



**VESTA**  
Social Innovation  
Technologies

# YOUR RIGHTS

## A Sexual Violence Survivor's Handbook

### Chapter 1: What Is Sexual Violence?



*Legal Disclaimer: This handbook provides general information that is intended, but not guaranteed, to be correct and up-to-date. Vesta Social Innovation Technologies does not assume any responsibility for actions or non-actions taken by people who have used this handbook for information, and no one shall be entitled to a claim for detrimental reliance on any information provided or expressed.*

# What Is Sexual Violence?

*Under the Criminal Code (R.S.C., 1985, c. C-46 (Canada))*

## What Is Sexual Assault?

Sexual assault is any non-consensual sexual activity, such as unwanted sexual grabbing, kissing, fondling as well as rape.

Sexual assault can be experienced by any gender, within domestic partnerships, friendships or with strangers. A common misconception is that sex workers can't be assaulted, but assault can happen to anyone such as a sex trade worker by a client. Some examples of what sexual assault looks like includes rape, sexual abuse, sexual harassment, stalking, indecent exposure, degrading sexual imagery, cyber harassment, trafficking or sexual exploitation.

## Examples of What Real Life Sexual Assault Can Look Like

“My husband wants to have sex when he comes home drunk, I tell him I'm not in the mood, but he pressures me anyway. He doesn't remember what he's done in the morning, so I don't make a big deal out of it.”

“When I was underage, my babysitter asked if I wanted to practice kissing.”

“I was working as an escort and one of my clients forced himself onto me. Even though I said no he said he thought I was just playing along to the role play.”

“I play for a college basketball team, when the coach is alone with me, he grabs me in places that make me uncomfortable. He always waits until I am alone.”

## Examples of What Real Life Sexual Harassment Can Look Like

“At work, people comment on my sexual orientation and ask me inappropriate questions about what sex is like for me.”

“A friend of mine went through my phone and sent himself explicit photos of myself without my knowledge or consent.”

### Sexual Assault

271 Everyone who commits a sexual assault is guilty of

(a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

*R.S., 1985, c. C-46, s. 271, - R.S., 1985, c. 19 (3rd Supp.), s. 10 - 1994, c. 44, s. 19 - 2012, c. 1, s. 25 - 2015, c. 23, s. 14*

## How Are These Experiences Defined in Canada?

Below are some definitions that can help identify how these experiences are defined in Canada and the criminal code. This definition may vary in other countries like the **United Kingdom, United States** and **Australia**. Please connect with local support if you are outside of Canada.

### ***Rape***

Any non-consensual penetration of the vagina or anus with any object or body part. Rape also includes penetration of the mouth with someone's sexual organ without consent.

### ***Sexual Exploitation***

When a person in a position of trust or authority uses that power to start or attempt sexual activity with another person. It can be direct or indirect and may include touching, violence, coercion, or the use of threats.

### ***Voyeurism***

The secret observation by any means or recording of any person for a sexual purpose, in circumstances where there is a reasonable expectation of privacy.

### ***Cyber Harassment***

The use of communication technologies such as the internet, social networking sites, websites, email, and text messaging to repeatedly intimidate or harass others. This can include insulting or threatening emails, posts, spreading embarrassing or private photos online, and blackmailing an individual with private information.

### ***Sexual Harassment***

Defined by engaging in a course of unwelcome actions or words that are annoying, distressing or agitating to the person experiencing them. More than one event must take place for there to be a violation, however, depending on the circumstances, one incident could be significant or substantial enough to be sexual harassment.

The most common understanding of sexual harassment is conduct such as making passes, soliciting sexual favours, sexual touching, etc., however the definition of sexual harassment also includes conduct that attack a person's sexuality or conduct that is directed at a person because of their sexuality.

Generally, human rights law clearly recognizes that sexual harassment is often not about sexual desire or interest at all. In fact, it often involves hostility, rejection, and/or bullying of a sexual nature.