



VESTA
Social Innovation
Technologies

YOUR RIGHTS

A Sexual Violence Survivor's Handbook

Chapter 2: What About Consent?



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What About Consent?

Consent is actively and verbally expressing that you are interested in a sexual activity with someone. You cannot give consent while you are sleeping, or under the influence of drugs or alcohol. Consent can be withdrawn at any time, and you do not need to explain why.

“Consent is freely given, reversible, informed, enthusiastic and specific”.

The law requires that a person take reasonable steps to find out if the other person is consenting. If you did not say yes, it is not consent.

What About Minors?

Generally, the legal age of consent in Canada is 16, however there are varying ages of minority within each province. If you or someone you know is under 18 and experienced any form of sexual violence, it is important to consult local support for help with your specific case.

The information below is a very brief guide to sexual violence as it pertains to individuals who are underage. Experiences involving minors may require additional support. **This guide is meant for information only and does not replace legal advice.**

Sexual Offences Specific to Minors

There are specific offences that only apply to minors. Remember that the definition of minors may vary according to province. The experience of the offences below is considered sexual violence under the Criminal Code of Canada.

Invitation to sexual touching is inviting a child under the age of 16 to touch directly or indirectly, the body of any other person.

Sexual interference is touching a child under the age of 16, whether directly or indirectly, for a sexual purpose.

Providing sexually explicit material to a child is illegal. This offense can often be a part of the ‘grooming’ process.

**No Means No:
Understanding
Consent to Sexual
Activity**

Source: Public Legal
Education & Information
Service of New Brunswick

What Is Grooming?

Grooming is the start of the sexual abuse process that involves building trust with a child, and the adults around them, in an effort to gain access to and control the child. This is a power play used to reduce the likelihood of the child disclosing details and increasing the likelihood the child will repeatedly return to the offender. Offenders groom adults around the child to make it easier to gain access to the child.

Luring a child is communicating with a young person using a computer in order to arrange or commit certain sexual offences. Depending on the offence, the age of consent ranges from 16 to 18 years.

Things to Know if You Are Under 18

In some situations, sexual activity with someone under the age of 18 is illegal. A person under 18 cannot consent to sexual activity if the other person has a relationship of trust or authority over them, or they are dependent on that person. Examples of people in positions of power can include teachers, a coach, babysitter, family member, religious leaders, or doctors.

Things to Know if You Are Under 16 in Ontario

There are **2 exceptions** to individuals under 16 who engage in sexual activity with someone close in age.

- A person 14 or 15 years of age can consent to sexual activity with someone less than 5 years older.
- A person 12 or 13 years of age can consent to sexual activity with someone less than 2 years older.

These exceptions only apply if the older person is not in a position of authority or trust and there is no exploitation.

What if You Are Under 12?

Children under the age of 12 can never legally consent to sexual activity.