Consent and Sexual Assault
by Sara Casselman, Sexual Assault Support Centre of Waterloo Region

According to *The Criminal Code of Canada*, any form of sexual contact without voluntary consent is sexual assault. While most young people in our community have a basic understanding of that concept, many aren’t clear exactly what *consent* means. As parents, educators, and guardians of our young people, we have a responsibility to break down and explore the concept of consent with our children.

The age of consent to engage in sexual activity with an adult five or more years older in Canada is 16. Among the exemptions, sex between peers under 16 is okay, as long as neither is in a position of authority and they are 12 or older. Likewise, under a "close-in-age" provision, if a person under 16 (and 12 or older) has sex with someone less than five years older, they can be considered to have consented unless the older person is in a position of authority. According to *The Code*, a person under the age of 12 can *never* consent to any kind of sexual activity.

Save for that peer exception, any sexual contact, activity or behaviour with a person under the age of sixteen, constitutes sexual abuse, irrespective of consent. Child sexual abuse can include kissing, fondling, exposure to pornography, sexual touching, exhibitionism, and/or penetration.

Further to understanding the age of consent, there are many aspects of consent to sexual activity young people need to be made aware of. Legally, consent cannot be given if:

- The person does not say yes, says no, or through words or behaviour implies that they do not want to engage in sexual activity.
- The person changes their mind. Even if someone originally agreed to sexual activity, if they change their mind, the other person must stop immediately. It does not matter if they have sexual contact with that person in the past. Past consent does not indicate consent in the present.
- That consent is given by someone else. No one can make the decision for you to engage in any sexual activity.
- The person is incapable of consenting. Someone who is drunk, sleeping, stoned or unconscious cannot consent to sexual activity.
- It is an abuse of power, trust, or authority (i.e. teacher/students relationships in high school, etc.)

Consent achieved through pressure, coercion, or threats is also not considered voluntary consent. Sexual activity obtained through involuntary consent (or coercion) is against the law. It is a common tool used by sexual offenders in date rape and child sexual abuse.

Sexual coercion includes such behaviours as threatening someone if they do not consent immediately (i.e. “I’ll break up with you if you don’t”) or making someone feel guilty (i.e. “if you loved me, you’d let me”). Coercion may also include an implied threat, such as blocking someone’s exit or intimidating someone else based on physical size.
Teaching our young people the concept of voluntary consent provides them with a fuller understanding of the rights they have over their bodies and teaches them to respect the bodies of others. Broach the subject with your teen or pre-teen, and it may prove to be a learning opportunity for both of you.

The Sexual Assault Support Centre of Waterloo Region works to end sexual violence against women and children and to support female survivors and their friends and family. If you have been sexually assaulted any point during your lifetime, and are in need of immediate support, call our 24-hour crisis line at (519) 741-8633. To schedule an appointment with a counsellor, or request a public education presentation for your school or community group, call our office at (519) 571-0121. All our services are free and confidential. For more information, visit our online resource library at www.sascwr.org.