



**Consent, sexual assault, intimate partner violence, childhood sexual abuse:  
Terminology and legal concepts**

**Sexual Assault:** Any unwanted act of a sexual nature. It can include anything from unwanted sexual touching to rape and sexual exploitation. The legal term used in Canada to refer to any form of sexual contact without voluntary consent.

**Sexual assault is an act of violence that is gendered in nature and is the assertion of power and control usually over women and children mostly perpetrated by men.**

Most rapes/sexual assaults are perpetrated by someone known to the survivor.

In Canada rape laws were changed in 1983. The new law contains the following differences:

- The previous crime of rape was replaced with 3 levels of sexual assault
- Men could now be the victim of sexual assault and charge
- Spouses could be charged
- Past sexual history could not come before the court
- There is no statute of limitations on reporting a sexual assault (people can now choose report to police at any point in their lifetime)

**Intimate Partner Violence:**

- A pattern of behaviour where one person intimidates, isolates, dominates, or maintains power and control over another person.
- Can be physical, sexual, emotional, financial, spiritual, or a combination.

**Child Sexual Abuse:** Childhood sexual abuse happens anytime a child is tricked, forced, or bribed into any sexual act, contact, or behaviour

**Consent:** a voluntary agreement to engage in sexual activity. Consent or a “yes” that is obtained through pressure, coercion, force, or threats of force is not voluntary. Consent must be continuously negotiated.

Consent is not present when:

- (a) Drunk, high, mentally ill, incapacitated- or not taking reasonable steps to determine whether the survivor-victim truly consented.
- (b) Coercion by using position of power/authority
- (c) No with words or no with body language
- (d) Yes first and then no later with words/body language

\*The above is a simplified rendition of Section 270 of the Canadian Criminal Code

**Turn Over →**

# Age of Consent

The <b>age of consent</b> to sexual activity in Canada is <b>16</b> .	There are some exceptions. The exceptions are: a 12 or 13 year old can consent to sex with someone <b>less than 2 years</b> older; a 14 or 15 year old can consent to have sex with someone <b>less than 5 years</b> older.	A person under the age of 18 cannot consent to sex with a person in a <b>position of authority</b> (ex, teacher, coach, babysitter, employer, family member, etc).	Sex with a person under the age of 12 is <b>illegal</b> and constitutes sexual abuse.
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## Rape is not a hurricane:

- “When rapists engage in sex acts without bothering to gain their sex partner’s consent, they are not “accidentally” raping someone. Rapes don’t come from miscommunication. They are not isolated, unpreventable incidents. They are a product of institutionalized, reinforced, life-long privilege. They are the symptoms of a flaw in the rapist’s entire worldview. They are the product of the way the rapist has habitually devalued women, laid claim to the bodies of others, pursued what they want no matter what—and *never thought anything of it* because they have never been called on it. That’s not an accident. That’s a system.” Amanda Hess *Legal Consent, Morning-After Regret and ‘Accidental’ Rape*

## Supporting a Survivor (From the SASC Brochure called ‘Supporting a Survivor’)

### **Do:**

- Listen. Refrain from offering advice
- Tell them “It’s not your fault”
- Believe the person’s story
- Recommend resources and other helpful services if needed
- Let them make their own decisions about what they want to do
- Maintain confidentiality

### **Don’t:**

- Ask why
- Make decisions for them
- Be a superhero or rescuer
- Apply your own labels
- Press for more details
- Forget to take care of yourself