

Sexual Violence & Consent

If you have experienced sexual violence, you are not alone.

You have options.

45% of Albertans have experienced sexual violence. 2 in 3 women* in Alberta have experienced sexual violence. 1 in 3 men* in Alberta have experienced sexual violence.

Prevalence of Sexual Assault and Childhood Sexual Abuse in Alberta, 2020

**Unfortunately, current Alberta statistics do not include specific prevalence rates for trans and non-binary populations. To learn more about gaps in sexual violence statistics, visit www.sace.ca/learn*

The statistics around sexual violence can feel overwhelming. But it can also be helpful to know you are not alone. Know that however you are feeling as you read through this resource is normal and supports are available.

Read on to learn more about sexual violence and consent. This tip sheet is part of a series that describes legal responses to sexual violence. The documents describe the law and resources available to help you.

The other topics in this series are:

- Responding to Sexual Violence
- Reporting Sexual Violence to Police
- Sexual Violence in the Workplace
- Civil Law Remedies
- Sexual Violence within a Family
- Sex Trafficking
- Getting Legal Help

Produced in collaboration with:



This tip sheet describes legal responses to sexual violence. It does not cover all responses available to those who have experienced sexual violence. Read on for more info on organizations that can provide support. The other tip sheets in this series are available at: www.cplea.ca/sexual-violence/

What is Sexual Violence?

Sexual violence covers all forms of **non-consensual** sexual behaviour.

Sexual assault is any form of sexual contact without voluntary consent. It includes unwanted oral contact (kissing), sexual touching, oral-genital contact, or vaginal or anal penetration.

Taylor is at a party with friends. Someone comes up to Taylor, grabs their buttocks roughly without saying anything, and then walks away. Taylor did not give this person permission to touch them.

Sexual harassment includes any unwanted sexual behaviour that does not include touching of sexual body parts. It can include:

- unwanted handholding or light grazing touches
- pressuring for sexual activity
- calling someone sexual names
- making derogatory comments about someone's gender or sexual orientation
- standing too close
- obscene materials or language
- sexual gestures
- spreading sexual rumours
- unwanted texts or emails

At work, Dana's co-worker sends Dana suggestive emails and texts. Dana asks their co-worker to stop but the co-worker continues to send these messages. This co-worker also touches Dana's back, shoulders and arms, or brushes up close to them while at work. This makes Dana uncomfortable.

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, power imbalance or trust for sexual purposes. It includes making money, or social or political gains, from sexually exploiting another.

Parker is 16 years old. One day, the coach pulls Parker aside and asks Parker to text a picture of their genitals. The coach tells Parker not to tell anyone or else the coach will bench Parker. Parker is scared and complies with the request.

Child sexual abuse is improperly exposing a child to any sexual contact, activity or behaviour. This includes all sexual touching, invitations to touch, exhibitionism and exposure to pornography.

Sam is a child and has an adult sibling. Sometimes that sibling asks Sam to do sexual things, like look at Sam naked or touch Sam's genitals.

Sex trafficking is a form of human trafficking. Human trafficking is exploiting human beings for gain (money, goods or services).

Kim suffers from substance use disorder and does not have enough money to buy drugs. Kim's new friend says they will give Kim drugs if Kim has sex with the people they tell Kim to.

Sharing an intimate image without consent is when someone takes or shares an intimate photo or video without the voluntary consent of the person in the photo or video. This is a criminal offence in Canada.

Morgan's ex posts online a video of them in a sexual position. Morgan did not give their ex permission to post the video.

Domestic violence that is sexual in nature is any sexual violence within a family or romantic relationship. It includes unwanted sex with a romantic partner.

Jamie lives with their partner. Sometimes Jamie's partner demands that Jamie have sex with them even though Jamie does not want to. Jamie's partner will sometimes force Jamie to have sex.

What is Consent?

Consent is a voluntary agreement to engage in sexual activity.

- **Voluntary**
Someone cannot force you to give consent. Forced consent includes threats, pressure, guilt, bribery, blackmail and physical violence.
- **Enthusiastic**
For consent to count, you must be genuinely and enthusiastically communicating a yes through your words, tones and actions.
Consent is not the absence of a “no”.
- **Individual**
Only you can consent for you. Even if you are dating or married, you always need your partner’s consent.
- **Specific**
You give consent to specific people and for specific acts. You cannot give consent ahead of time, only in the moment. Past consent for given acts does not equal future consent.
- **Sober**
You cannot consent to sexual activity if you are highly intoxicated from drugs, cannabis or alcohol, or if you are sleeping or unconscious.

Consent is a freely given yes.

Consent is **NOT** given:

- by someone else for you
- if you are unconscious
- if you are otherwise incapable of giving consent (drunk, high on drugs, sleeping, etc.)
- if someone who is in a position of trust, power or authority over you manipulates you to engage in sexual activity
- if you change your mind and no longer want to continue with the activity in question

Age of consent

You must be at least 16 years old to consent to sexual activity in Canada.

There are “close in age” exceptions:

- If you are 12 or 13, you can consent to sexual activity with someone less than two years older.
- If you are 14 or 15, you can consent to sexual activity with someone less than five years older.

Just because you are close in age does not mean you automatically consent. You must still give **voluntary** consent to the activity.

If you are under 18 years of age, you cannot consent to sexual activity with anyone:

- who is in a position of trust or authority over you (such as a teacher, coach or employer)
- who you are in a relationship of dependency with (such as a guardian or stepparent)
- who you are in a relationship with and who is exploiting you

It is illegal for someone under the age of 18 who is in one of the above situations to engage in sexual activity with you even if you say you consent to the activity.

If you are under 12 years of age, you cannot give consent at all, even with someone who is close in age. It is illegal for persons under the age of 12 to engage in sexual activity even if the person says they consent to the activity.

These rules are in section 150.1 of Canada’s *Criminal Code*.

Have you experienced sexual violence?

If you are in danger, call 911 immediately.

There are support services available to help you. These include counselling services, and support before, during and after the legal process.

To connect with supports in your area:

- Call or text Alberta's One Line for Sexual Violence (1.866.403.8000)
- Call the Canadian Human Trafficking Hotline (1.833.900.1010) or chat live at www.canadianhumantraffickinghotline.ca
- Call or text Alberta 211 (2-1-1) or chat live at www.ab.211.ca
- See a list of sexual assault centres across Alberta at aasas.ca/get-help

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You should NOT rely on this publication for legal advice.
It provides general information on Alberta law only.

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The other tip sheets in this series are available at:
www.cplea.ca/sexual-violence/

Sexual Assault Centre of Edmonton

SACE supports children, youth, and adults who have experienced sexual abuse or assault, and educates the public about sexual violence.

www.sace.ca

Elizabeth Fry Northern Alberta

EFry supports women and girls who are or may be at risk of becoming criminalized.

www.efrynorthernalberta.com

Centre for Public Legal Education Alberta

CPLEA makes the law understandable for Albertans by providing reliable and free legal information.

www.cplea.ca