

WHAT IS CONSENT?

WHAT CONSENT IS:

- The presence of a YES – *without coercion!*
- Clear, communicated, enthusiastic, ongoing
- The responsibility of the initiator
- Can be changed or withheld at any time

Coercion is:

- Manipulating someone until they give in to a sexual act (*this is sexual assault!*)
- Involves blackmailing, pressuring, threatening, intimidating & guilting someone into a sexual act
- Not giving consent on your own terms
- Not being given space to freely say NO

Consent given under coercion is not consent. This is especially important to highlight with youth as coercion is often used to obtain consent in situations of human trafficking - but this consent is not legal.

WHAT CONSENT IS NOT:

- Silence or the absence of a NO – “Well, she didn’t say no” is NOT an excuse!
- Made automatic by the relationship status - consent is still required in intimate partnerships
- A free pass – consent must be given for every single sexual act. Just because they said yes before, doesn’t mean it’s a yes every time
- Given by someone else other than YOU – *Only you can speak for yourself.*

WAYS OF SAYING “NO” WITHOUT SAYING NO:

HESITATING, TURNING AWAY

“I’M TIRED/NOT FEELING WELL.”

“NOT RIGHT NOW.”

“I HAVE MY PERIOD.”

“STOP.”

These and others are all valid ways of saying 'no' and must be respected. Consent cannot be "won" through coercion or convincing.

WE’RE NOT WAITING ANYMORE.

Consent is defined in Canada's Criminal Code, as “the voluntary agreement to engage in the sexual activity in question.” The law focuses on what the person is actually thinking and feeling at the time of the sexual activity. Sexual touching is only legal if consent is confirmed through words or conduct. No one can legally consent to sexual activity that will take place in the future or that will result in bodily harm.

Age of Consent

The age of consent in Canada is 16 and anyone under the age of 16 cannot legally give their consent. There is a “close-in-age exception” for ages 14-15. However these exceptions, and even situations of consent in the 16+ category, do not apply if the other person is in a position of trust or authority over the child, the child is dependent on the other person, or the relationship is exploitative.

A person of authority or trust could be a parent, step-parent, grandparent, older sibling, teacher or coach. In addition, children under 18 cannot legally give their consent to sexual activity that exploits them, including prostitution and pornography.

The Criminal Code says there is no consent when:

- Someone shows, verbally or through body language, they are not consenting to an activity
- Someone shows, verbally or through body language, that they have changed their mind and do not want to continue an activity that has already started
- Someone is incapable of consenting to the activity, because, for example, they are unconscious or intoxicated
- The consent is a result of someone abusing a position of trust, power or authority
- Consent is given on someone else’s behalf

A person cannot say they mistakenly believed there was consent if:

- That belief is based on their own intoxication
- They were reckless about whether the person was consenting
- They chose to ignore things that demonstrated a lack of consent
- They didn’t take proper steps to ensure there was consent

Remember: Consent is never connected to the clothes you wear, your behaviour, where you hang out or who you hang out with. It is nothing other than YOUR CHOICE. If you are unsure, it is probably a NO.

For more info and resources on GBV, including survivor support available in Canada, visit the **Relentless Resilience Hub to End Gender-Based Violence at: aurafreedom.org/RelentlessResilience**

Sources: Department of Justice - <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/def.html>
Department of Justice - <https://www.justice.gc.ca/eng/rp-pr/other-autre/dp/faq.html>