

## **SEXUAL OFFENSE LAWS**

Sexual assault is any action involving some form of sexual contact – from touching and grabbing to penetration – if it is done without consent. It is an act which violates the sexual integrity of the victim. There are three types of sexual assault listed and defined in the Criminal Code of Canada:

**Sexual Assault** – examples are touching, grabbing, kissing, forcible penetration or any other bodily contact for a sexual purpose.

**Sexual Assault with a Weapon, Threats to a third party or Causing bodily harm** – the offender uses or threatens to use a weapon, threaten to hurt another person, or where the victim is hurt or injured in some way.

**Aggravated Sexual Assault** – the victim is wounded, maimed or disfigured. This is also used if your life is endangered.

The penalties and procedures for dealing with sexual assault depend on the extent of the assault and the amount of violence used.

## **CONSENT**

The Criminal Code of Canada states that consent means “the voluntary agreement ... to engage in the sexual activity in question”

The Code outlines a number of situations that do not constitute consent, including:

- Agreement by a third party
- When a person is incapable of consenting
- When there is an abuse of authority
- When the person expresses through words or conduct that they do not consent
- A person agrees to sexual activity, but then expresses by words or conduct that they do not wish to continue.

As well, a person cannot claim ‘mistaken belief of consent’ in cases of willful blindness, intoxication, and failure to take reasonable steps to ensure consent.

Consent is not obtained when the victim consents because she/he believes that she will otherwise suffer physical violence. Agreeing to engage in a sexual activity because of fear for personal safety is not consent at all.

## **Sexual Exploitation**

A person under eighteen cannot consent to an older person who is in a position of trust and authority. Trust and authority means:

- Being responsible to protect a child’s safety
- Being responsible for a child’s well being
- Being responsible to help the child develop physically, spiritually or emotionally