

AGE OF CONSENT – is the minimum age at which a person is considered capable of legally giving informed consent to engage in sexual activity. This law is meant to protect children who society feels are too young to fully understand the consequences of entering into sexual relationships, and who may be vulnerable to exploitation from older persons. There are exemptions to the age of consent, to allow for youth to engage in sexual activity amongst their peers. The age of consent in Canada was changed on May 1, 2008, from fourteen years old to sixteen years old.

It is different than age of majority, age of criminal responsibility, marriageable age, drinking age. In Canada, the age of consent is the same in every province, although age for marrying and drinking varies. In the US, the age of consent varies from state to state.

The age of consent varies around the world, but the average age is 14 – 16. However, it is 12 years in Zimbabwe and 21 years in Madagascar. In Pakistan, all sexual activity outside of marriage is forbidden, no matter what age.

SPECIFICS OF CANADIAN LEGISLATION

Under 12 years – can never give consent, no exemptions.

Over age 12 – below age 14 – Can consent to sexual activity with a person who is not more than two years older and who is not in a relationship of trust or authority.

Over age 14 and under age 16 – Can consent to sexual activity with a person who is not older than 5 years and who is not in a position of trust or authority. Mistaken belief in the age of the complainant is not a defense, unless reasonable steps to confirm age have been taken.

SEXUAL EXPLOITATION – Any person under the age of eighteen cannot consent to sexual activity that is exploitative, including prostitution, pornography or any other situation that is exploitative, or to a person who is in a relationship of trust, authority or dependency.

AGE OF CONSENT FOR ANAL SEX – Cannot consent if under eighteen years of age, unless married.