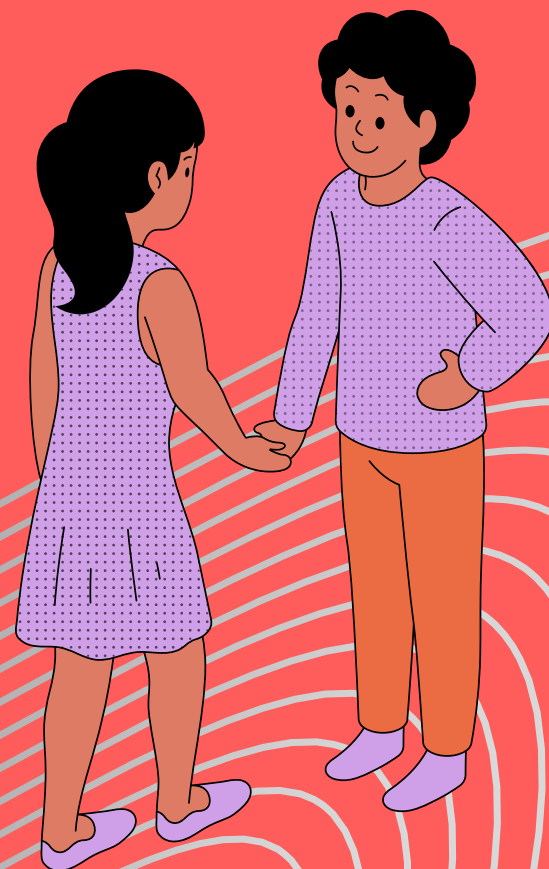


Consent

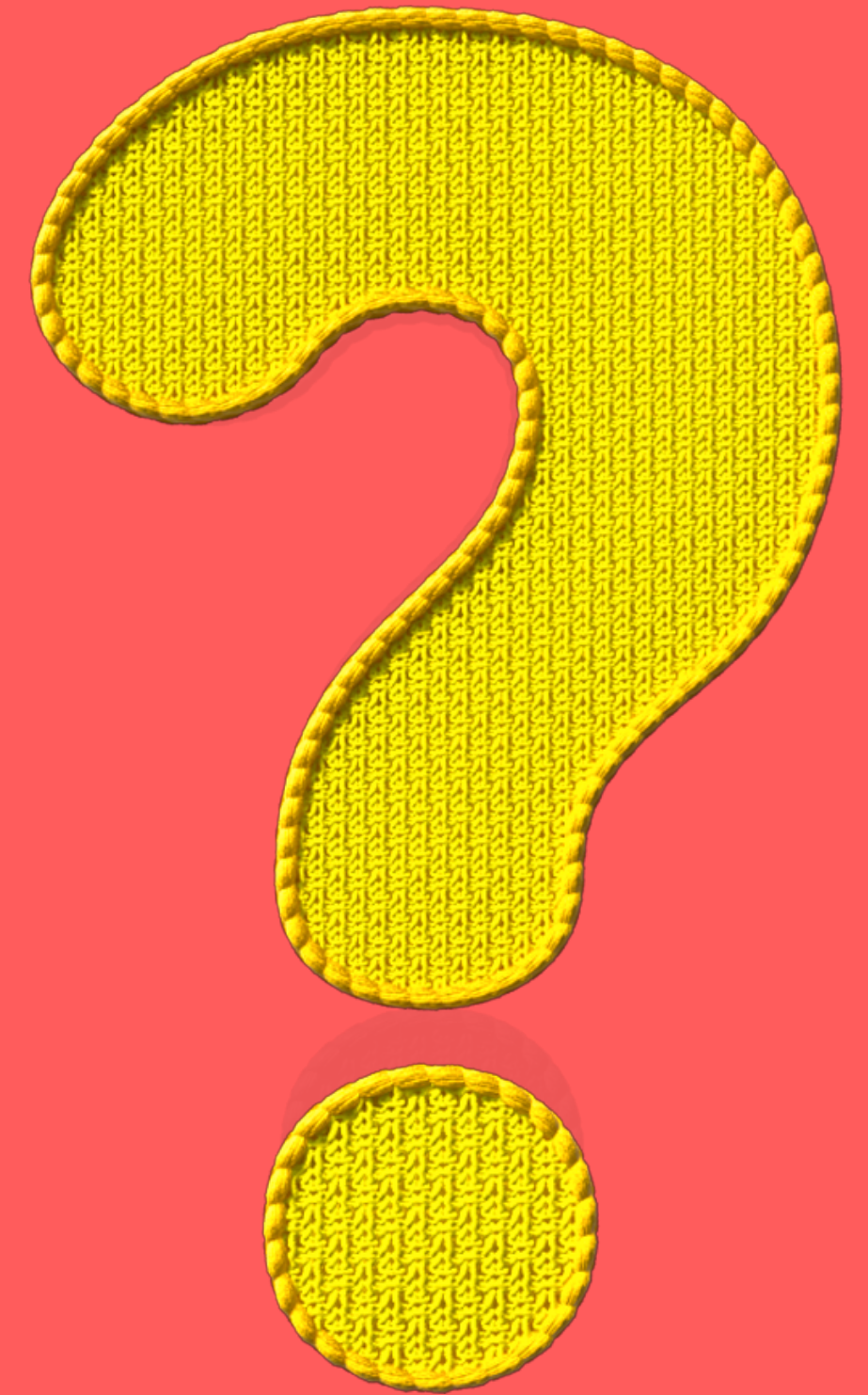
ZAINAB BARAKAH RANA, BA (Hons), BSW



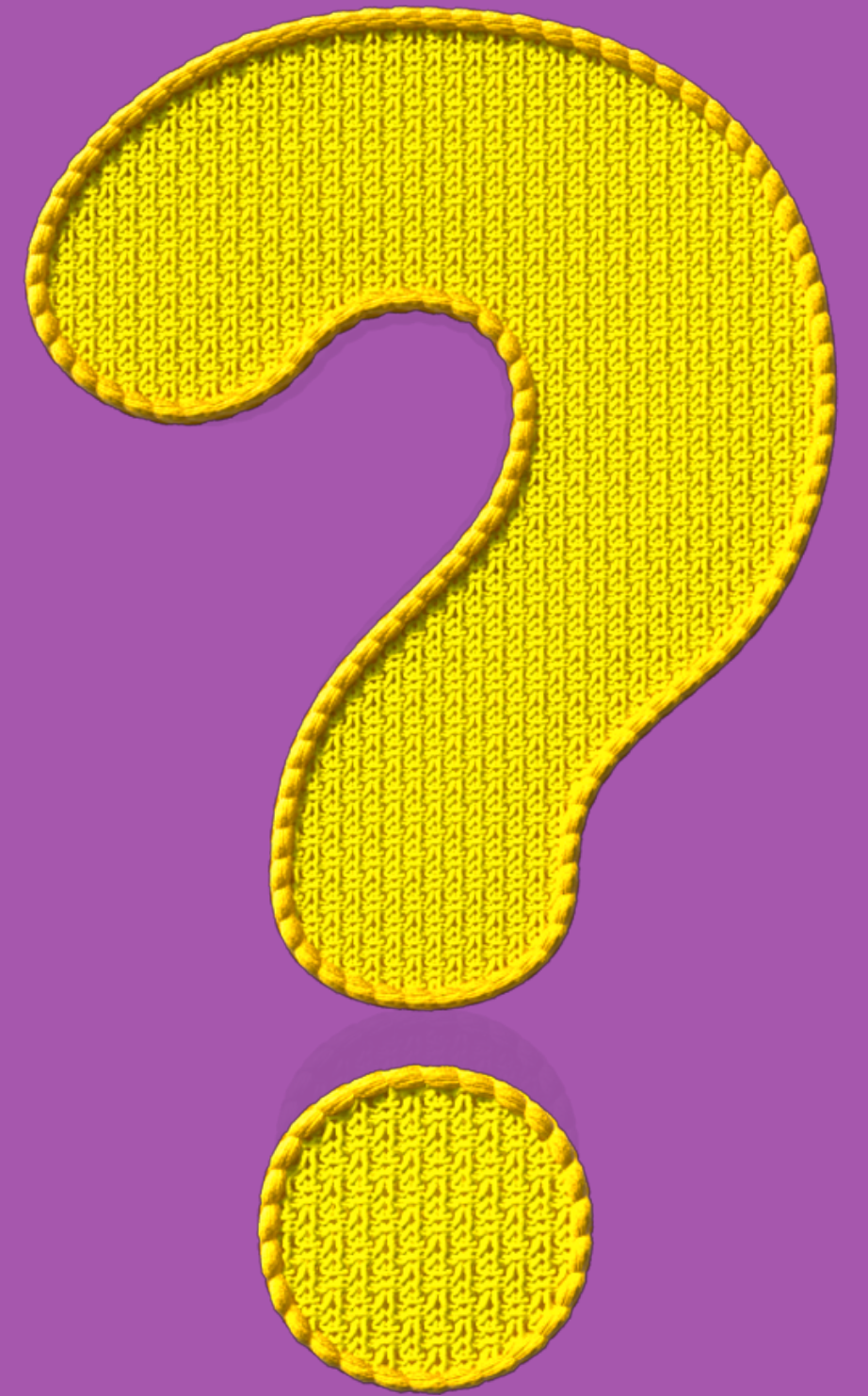
northstar
FROM ADVOCACY TO IMPACT



**WHAT IS THE
LEGAL AGE OF
CONSENT IN
CANADA**



**CAN YOU CONSENT
TO ANY SORT OF
SEXUAL ACTIVITY
UNDER THE AGE OF
12 IN CANADA**



DEFINITION OF CONSENT

According to subsection 273.1 (1) of the Criminal Code, in the context of sexual intimacy, consent is the voluntary agreement to engage in sexual activity, including kissing, fondling, and intercourse.



ACCORDING TO THE GOVERNMENT OF CANADA...

Consent can be taken away at any point during a romantic or sexual interaction

Consenting to one kind of sexual activity does NOT automatically mean consenting to another. "Anything new or later means getting consent again" (Government of Canada, 2024).

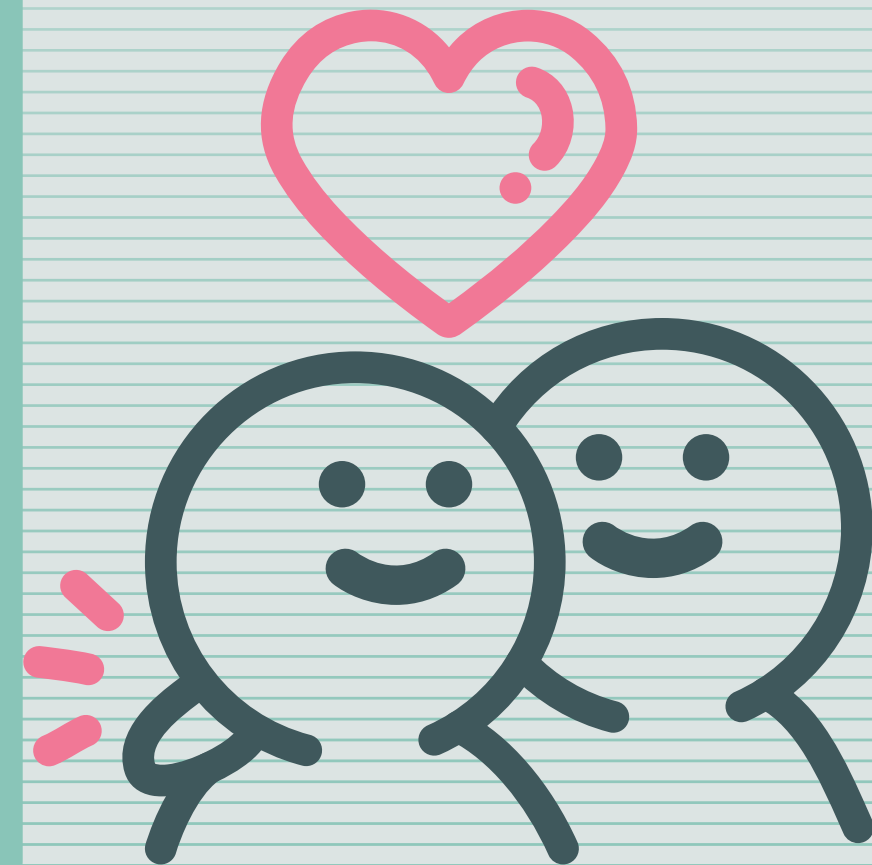


16

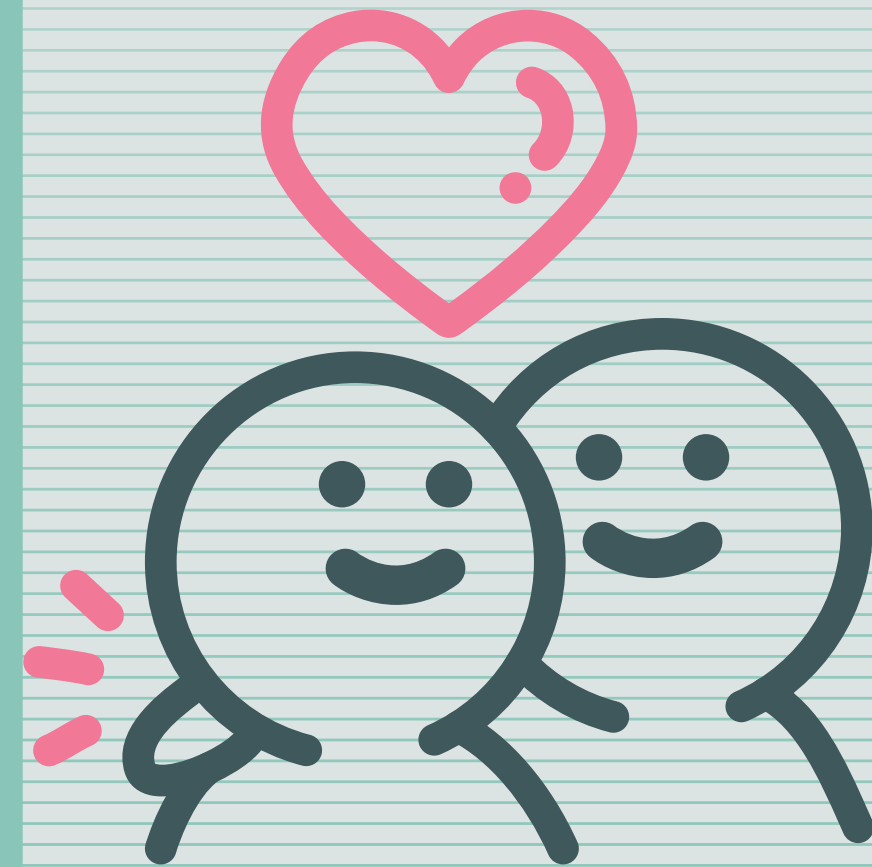
AGE OF CONSENT

The Legal Age of Consent in
Canada is 16 years

GIVEN THAT THE OLDER PARTNER IS NOT IN A POSITION OF TRUST/AUTHORITY, AND NO EXPLOITATION AND/OR DEPENDENCY IS INVOLVED



When an individual is charged with a sexual offence where the complainant is under 16 years, they can NOT use the defence that the complainant consented to the activity that forms the subject-matter of charge.

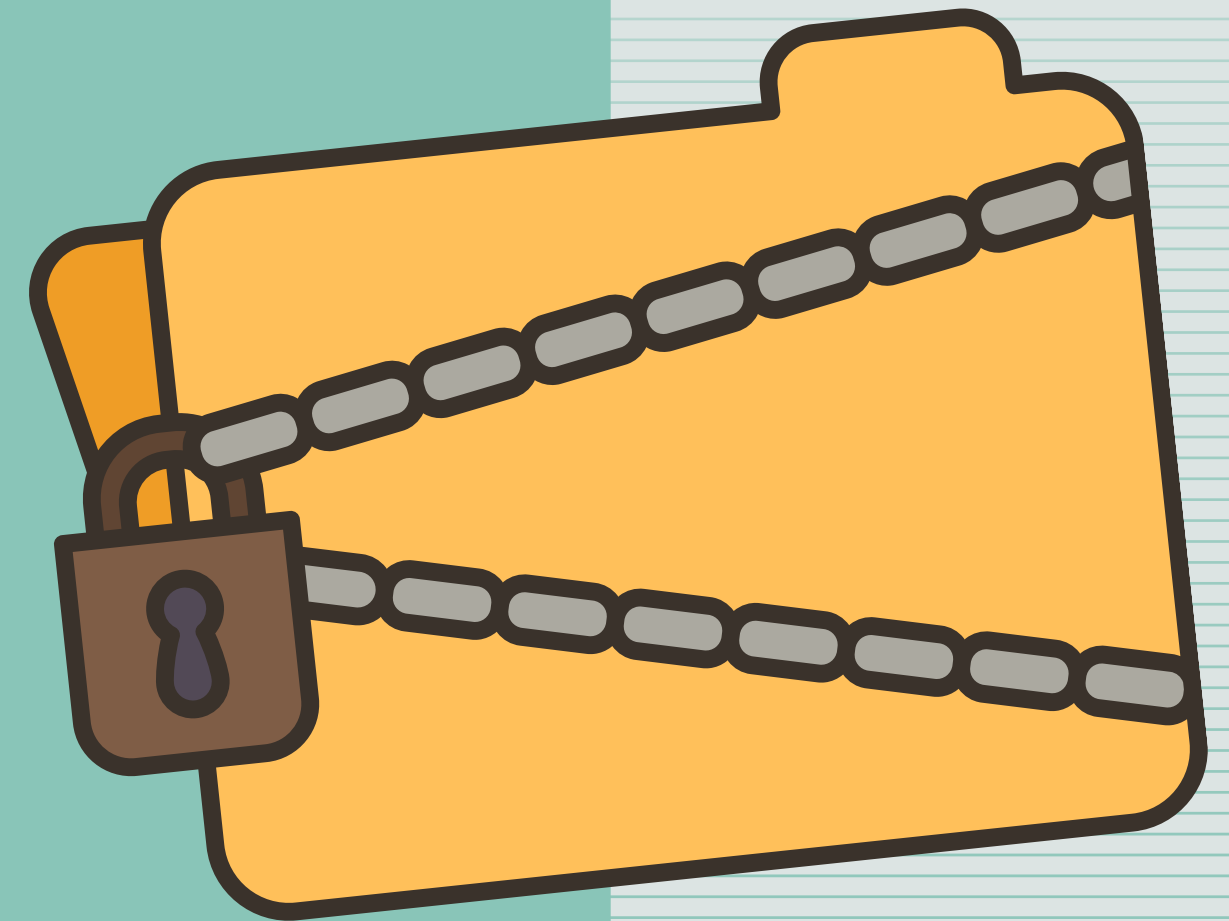


CLOSE-IN-AGE EXCEPTIONS

There are two close in age exceptions to this ruling.

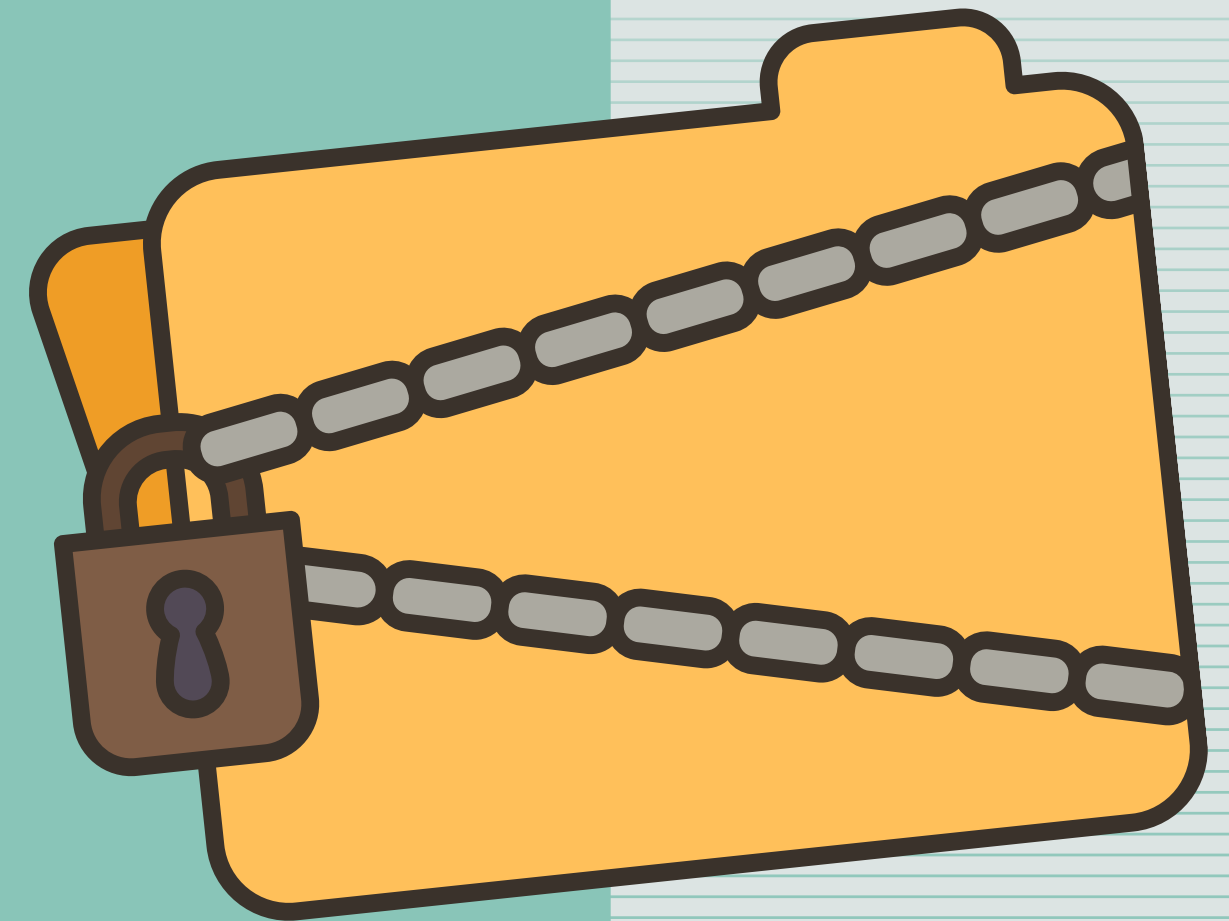


**(1) 12 TO 13 YEARS CAN
CONSENT IF PARTNER IS
LESS THAN 2 YEARS
OLDER**



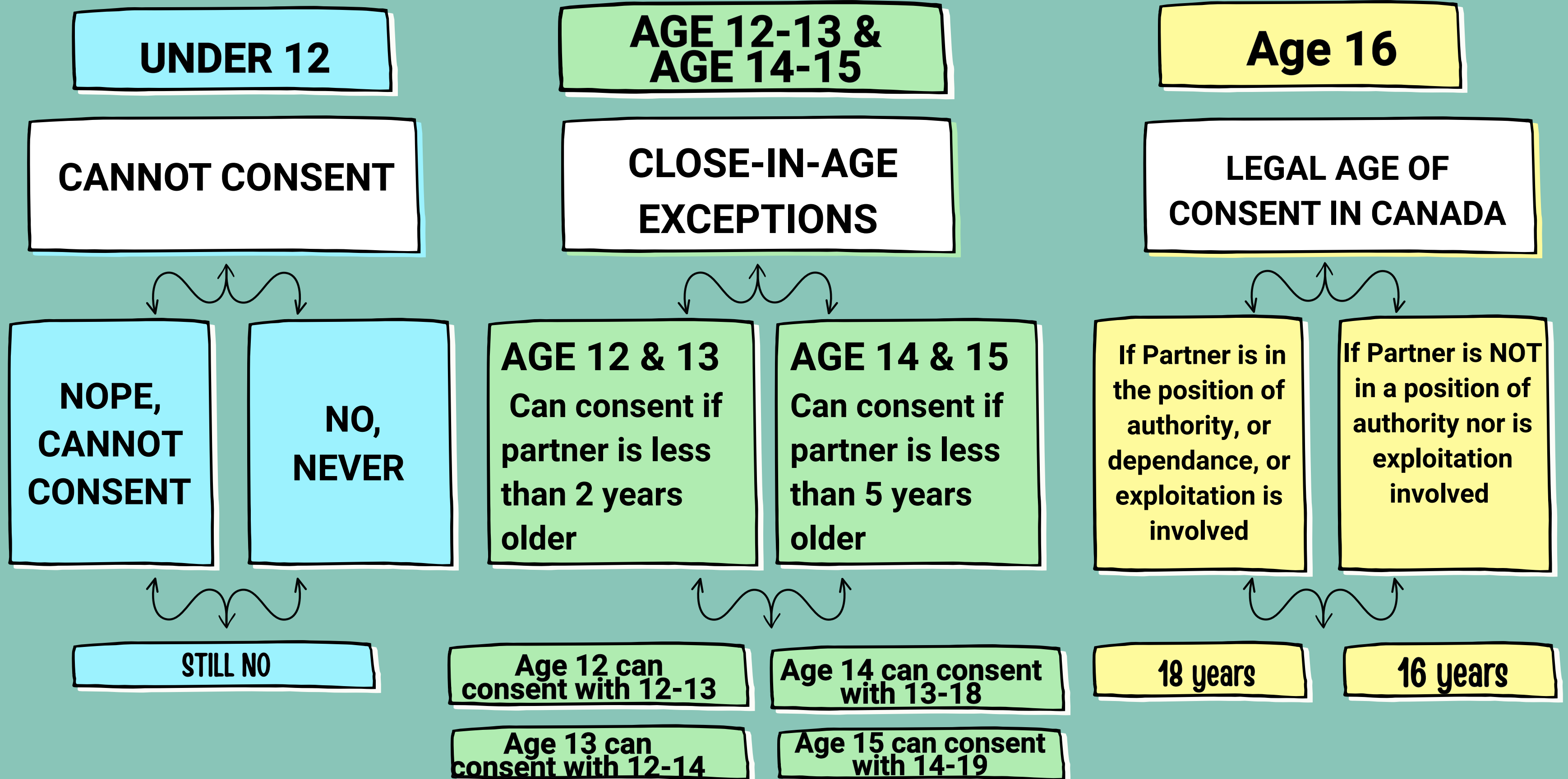
GIVEN THAT THE OLDER PARTNER IS NOT IN A POSITION OF TRUST/AUTHORITY, AND NO EXPLOITATION AND/OR DEPENDENCY IS INVOLVED

**(2) 14 TO 15 CAN CONSENT
IF PARTNER IS LESS THAN
5 YEARS OLDER**



GIVEN THAT THE OLDER PARTNER IS NOT IN A POSITION OF TRUST/AUTHORITY, AND NO EXPLOITATION AND/OR DEPENDENCY IS INVOLVED

AGE OF CONSENT SECTION 150.1



18+ AGE OF CONSENT FOR ANY EXPLOITATIVE ACTIVITY/RELATIONSHIP



18 is the age of consent for exploitative activity: prostitution, pornography, and relationships where the individual is in a position of trust, authority, or dependency, or where the relationship is otherwise exploitative.

Regulated professions are bound by their code of ethics set by their governing college which explicitly prohibits sexual relationships with clients.

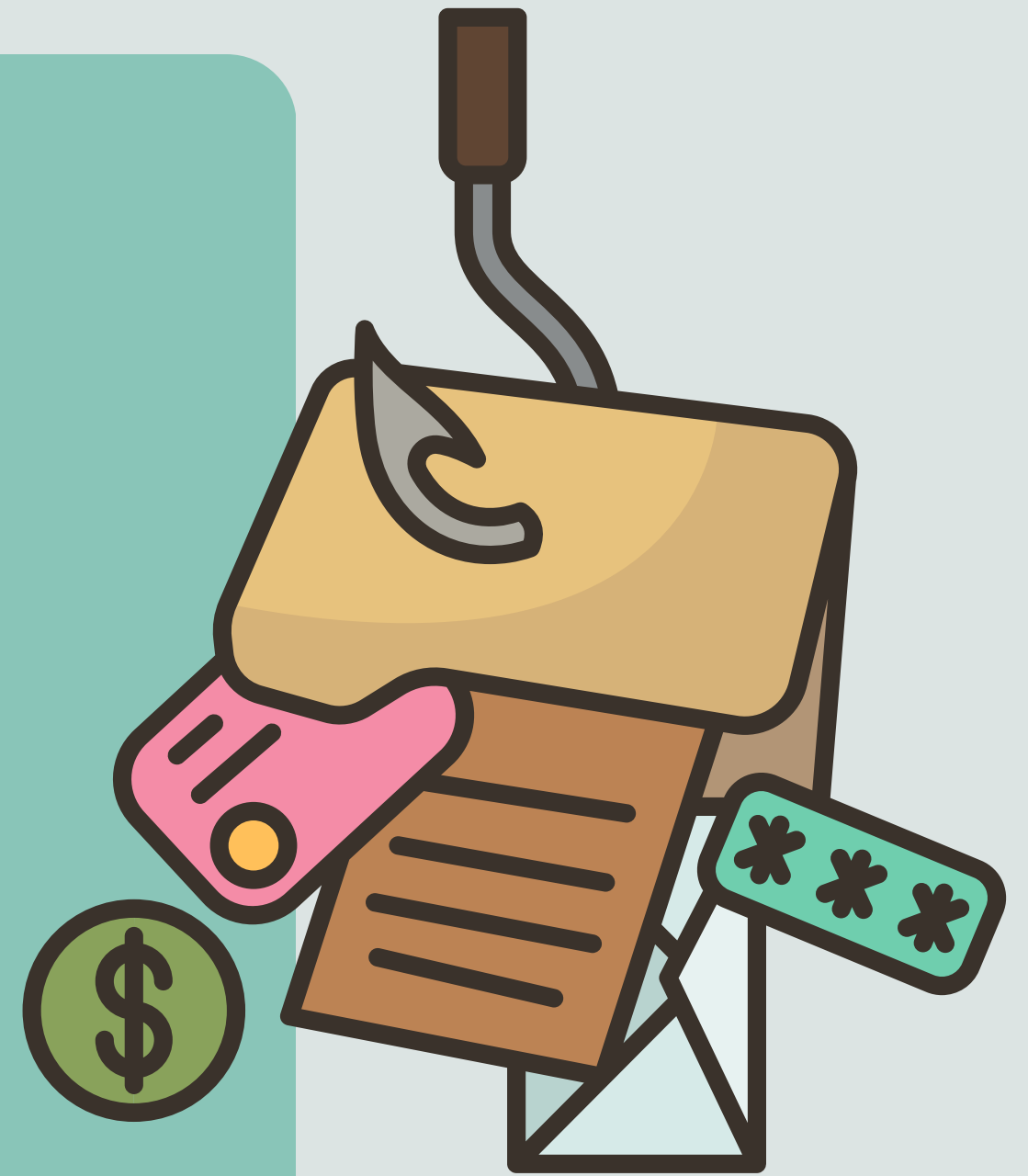
Violating this code can lead to one's license being revoked regardless of the client's age being over 18 or the relationship being consensual ("Regulated Health Professions", 2024).



SITUATIONS WHEN CONSENT IS NOT OBTAINED

Section 273.1 (2) outlines specific situations in which consent is not obtained:

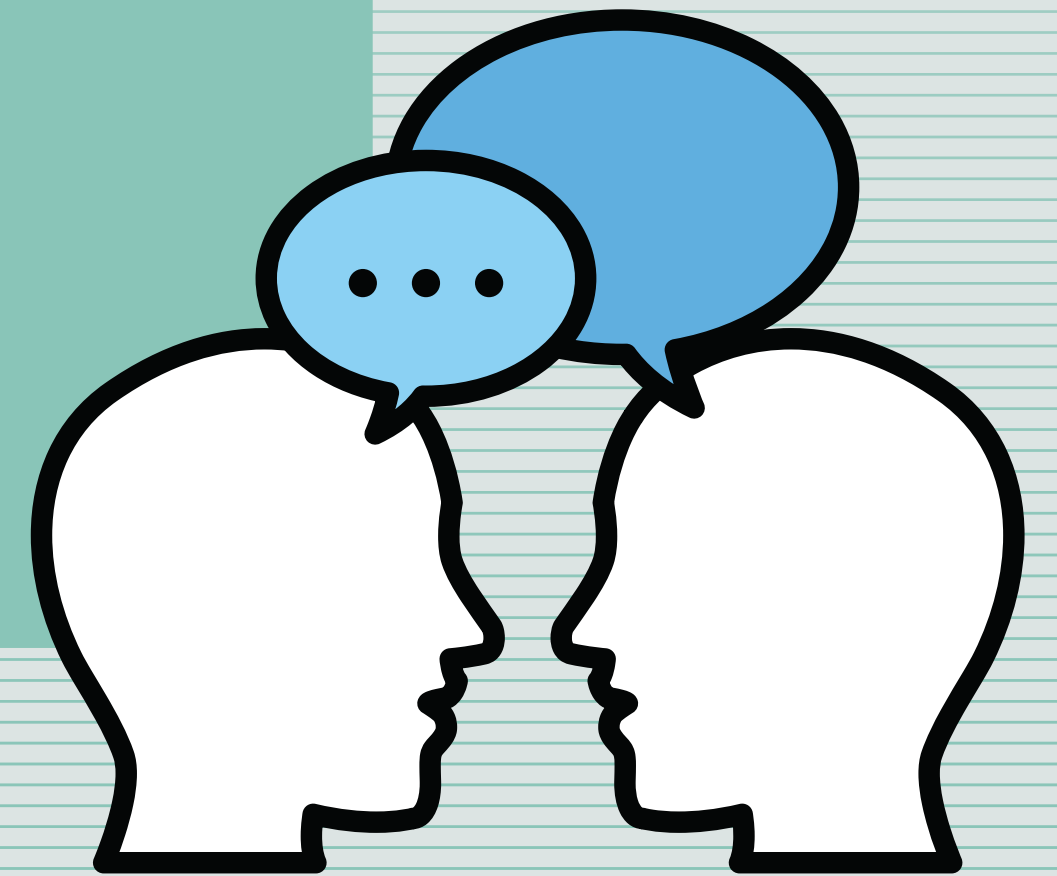
1. The agreement is expressed by someone other than the complainant
2. The complainant is incapable of consenting
3. The accused abuses a position of trust, power, or authority
4. The complainant expresses lack of agreement by words or conduct
5. The complainant after consenting to engage in sexual activity, expressed by words or conduct a lack of agreement in continuing to engage in activity



IS VERBAL CONSENT ALL YOU NEED?

Consent must be affirmatively expressed, through words, conduct, or both. Canadian law specifies it must be a voluntary agreement but there is no specification on how it must be strictly communicated.

CONSENT IS NOT SOLELY VERBAL!



ALCOHOL & CONSENT

- Alcohol is consistently linked to sexual consent violations.
- research w/ cisgender, heterosexual young adults found that sexual encounters when drunk reshaped people's sense of what feels okay and acceptable, leading to consent laws being violated without people fully realizing it in the moment (Goodyear et al., 2025).

SECTION 273.2 LIMITS THE AVAILABILITY OF THE DEFENCE OF MISTAKEN BELIEF IN CONSENT ARISING FROM SELF-INDUCED INTOXICATION




**YOUTH NAVIGATING SEXUAL
INTIMACY AND CONSENT
IN-PERSON & ONLINE**



Lack of Sexual Digital Literacy Among Youth

Youth lack the sexual and digital consent literacy needed to navigate consent in online spaces and online relationships within the confines of the law



This is leading to a prevalence of youth sexual offences involving the online breach of consent and the non-consensual making and distributing of intimate images, and child pornography charges

RISE OF SEXTING IN THE AGE OF ONLINE COMMUNICATION

Sexting: sending and receiving sexually explicit messages, nude or seminude photos through texts, social media, or alternative internet services (Ybarra & Mitchell, 2014).

Data gathered from multiple systematic reviews and meta-analyses, including Canadian youth data, estimate the prevalence of sending and receiving sexts among adolescents to be as high as 14.8% and 27.4% (Kim et al., 2019; Madigan et al., 2018; Mori et al., 2019)->data ranges from 2009-2015, with online communication rising significantly from that time, these percentages are plausibly higher today.



EVEN IF A YOUTH IS 16 AND LEGALLY ABLE TO CONSENT TO SEXUAL ACTIVITY...CREATING, SHARING, OR POSSESSING SEXUAL IMAGES OF ANYONE UNDER 18 IS A CRIMINAL OFFENCE UNDER (1) **S. 163.1 CHILD PORNOGRAPHY**

AS WELL AS IF THE PHOTOS ARE SHARED WITHOUT LEGAL CONSENT, ITS A CRIMINAL OFFENCE UNDER (2) **S. 162.1 NON-CONSENSUAL DISTRIBUTION OF INTIMATE IMAGES**

Is it **ILLEGAL** for young people to share nudes?



In cases where a youth under 16 takes and shares a nude photo consensually with another close-in-age youth, it is not illegal.

Although the image does constitute child pornography, as long as its for personal use and shared amongst a consenting and close-in-age youth, one cannot be charged. But, the moment it goes beyond that private context, it is a criminal offence.

Sharing Nudes of **YOURSELF**

Exploring your body and sexuality is a normal part of growing up! For some people, this includes experimenting with taking or sharing nudes.

Like with all sexual activities, sharing nudes comes with both **potential risks** and **rewards**.

Before you send a nude, you might want to consider:

- Are you being pressured to send or are you doing it because you want to?
- Does the other person have a plan to keep it private?
- Could you avoid sharing your face or other identifying marks/info in the pic in case it is shared without your consent?

BUT... ISN'T IT ILLEGAL?

You may have heard that sending nudes of yourself when you're under 18 is illegal and that you could be charged with child pornography offences.

This is NOT true. In cases where youth take and share a pic of themselves consensually and privately with another close-in-age youth, there is something known as the 'private use exception' that allows youth to explore taking or sharing nudes of themselves without being charged with child pornography.

Youth has never been charged in Canada for sharing nudes of themselves consensually and privately!

For more info on what to consider before sending nudes, when it's legal, and for support if your image is shared without consent visit kidshelpphone.ca

Sharing Nudes of **OTHERS**

No matter your age, it is **illegal** to share a nude pic or video of someone else without their consent!

Sharing a nude or sexually explicit image of someone without their consent is a **violation of their privacy and sexual rights**.

People who have had intimate images shared without their consent sometimes experience anxiety, depression, and social isolation. It is a very harmful thing to do to someone.

IS IT ILLEGAL?

YES. In Canada it is a **crime** to share a nude, semi-nude, or sexually explicit image of someone without their consent.

There are a few criminal and civil law charges that could apply, with the most common being the criminal charge of **nonconsensual intimate image distribution**. It is very uncommon for youth to face jail time in Canada, but being charged with this offence could result in anything from probation to up to 5 years in prison for the most serious acts.

In most cases with youth, there are ways to hold wrongdoers responsible and support victims without a criminal response. You can find more information about nonconsensual intimate image distribution and other forms of tech-facilitated sexual violence at our website: DIYdigitalsafety.ca



DIYDIGITALSAFETY.CA

CANADIAN YOUTH SEXUAL OFFENCE FINDINGS

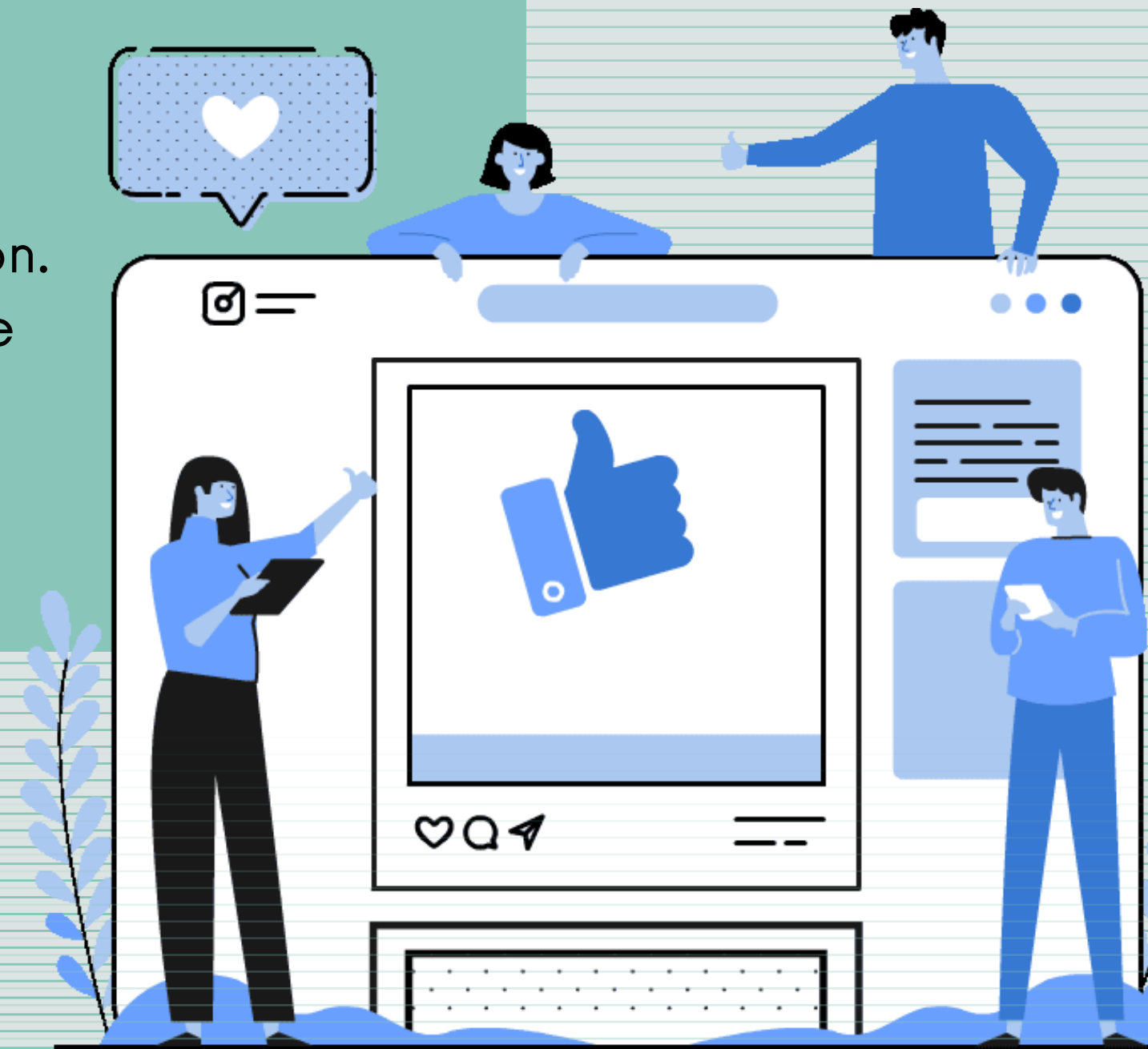
- According to INSPQ (The Institut national de santé publique du Québec), in Quebec 2022, youth aged 12–17 accounted for **29%** of sexual offence accusations and **68%** of youth boys among this cohort were accused of non-consensual image sharing.
- According to Statistics Canada, in 2024, **two in five** persons accused of online child sexual exploitation were youth aged 12–17. Youth most commonly charged with OCSAEM (**36%**) followed by sexting/NCDII charges (**30%**).
- **Nine out of ten** youth accused knew their victim.



CYBER CONSENT: NEED FOR SEX EDUCATION REFORM

The Canadian Guidelines for Sexual Health Education recommend consent literacy be taught from kindergarten onwards. However in practice, this is not being widely implemented within our education systems.

The data we just looked at is the direct result of this gap within education. It is urgent that we equip youth with knowledge on legal consent and the skills to navigate it in online spaces. Without reform in sexual health education, the number of youth sexual offences will plausibly continue to rise!



QUIZ TIME

LET'S START



MULTIPLE CHOICE

What are the close-in-age exceptions for a 14 & 15 year old

- A) B)
- C) D)

ANSWER

What are the close-in-age exceptions for a 14 & 15 year old

less than 5 years

5 years or less

no age restrictions

less than 2 years

A red hand-drawn scribble consisting of a downward-pointing arrow and a large circle, located in the top right corner of the slide.

Close in age exceptions

A 14 or 15 year old can consent to sexual activity as long as the partner is **less than five years older** and there is no relationship of trust, authority or dependency or any other exploitation of the young person. This means that if the partner is 5 years or older than the 14 or 15 year old, any sexual activity is a criminal offence.

TRUE OR FALSE

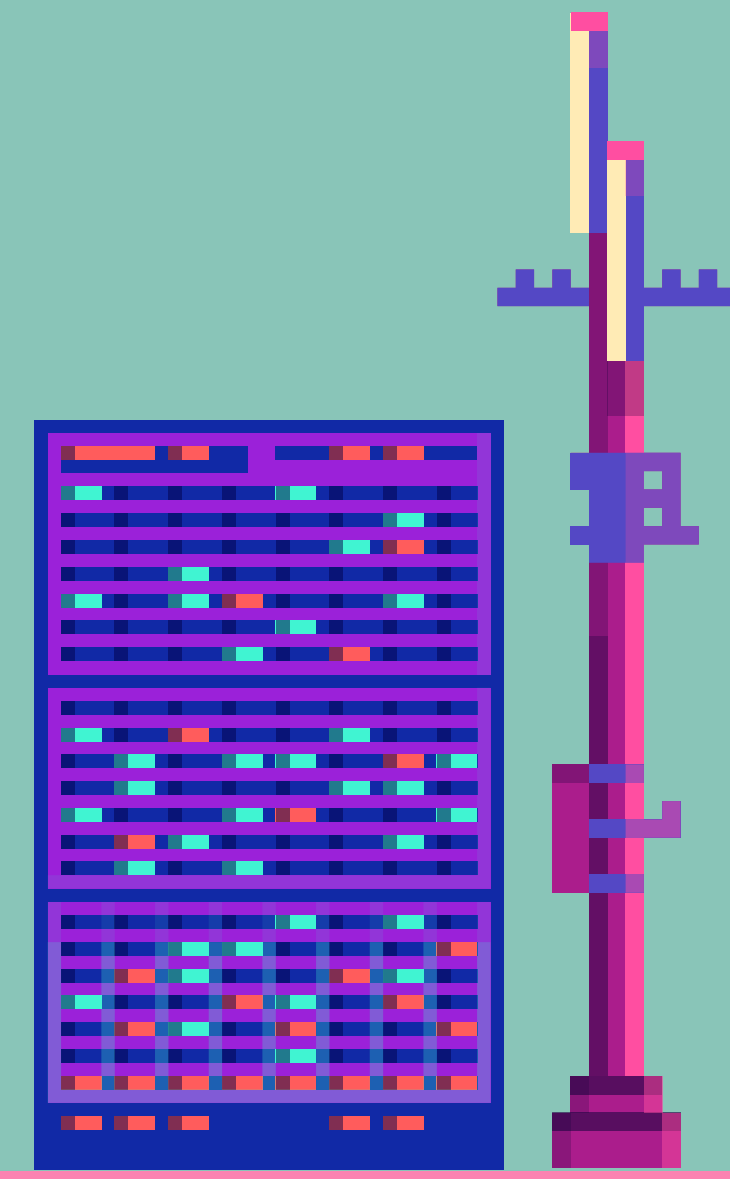
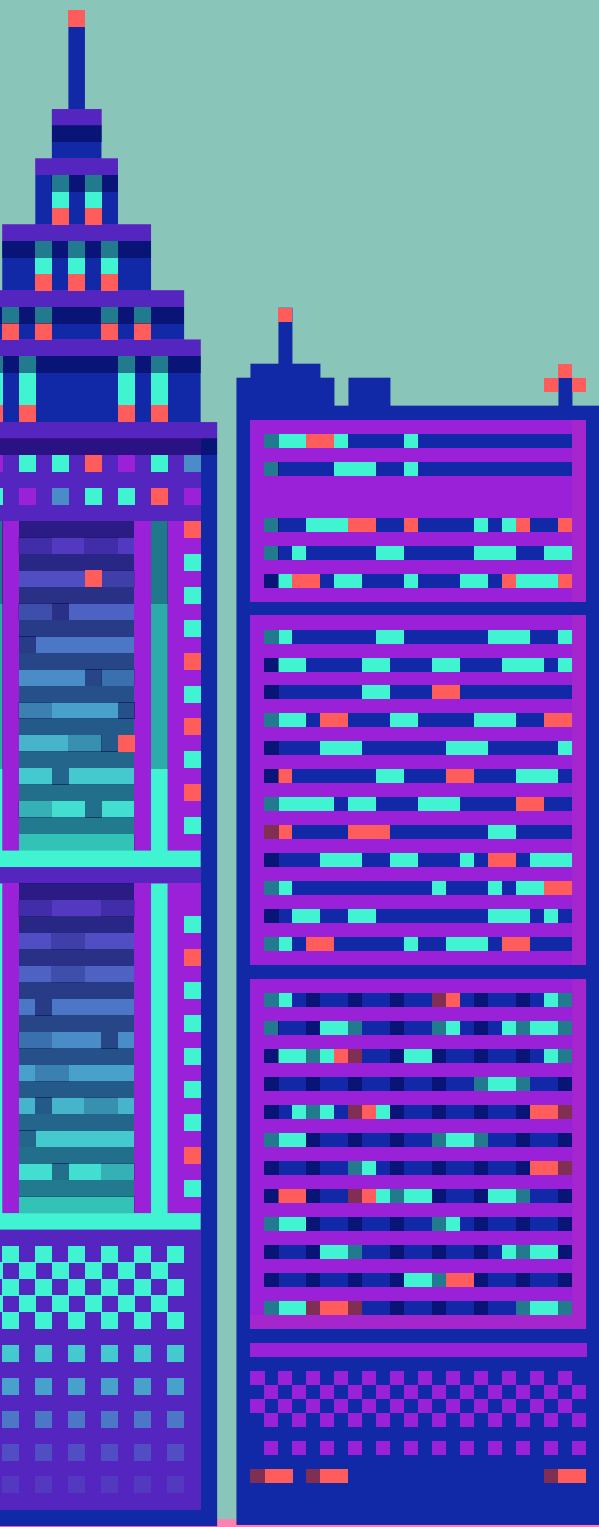
Aruka is 27 and wants to pursue a romantic relationship with her dentist Shahnawaz, who is 10 years older. She initiates, she is enthusiastic, and they are both single. Is this legal and ethical?

ANSWER

Aruka is 27 and wants to pursue a romantic relationship with her dentist Shahnawaz, who is 10 years older. She initiates, she is enthusiastic, and they are both single. Is this legal and ethical?

Yes

No

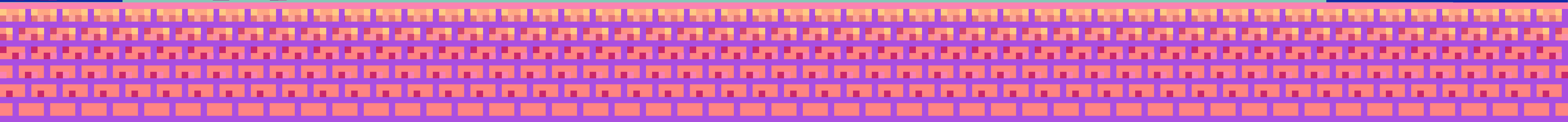
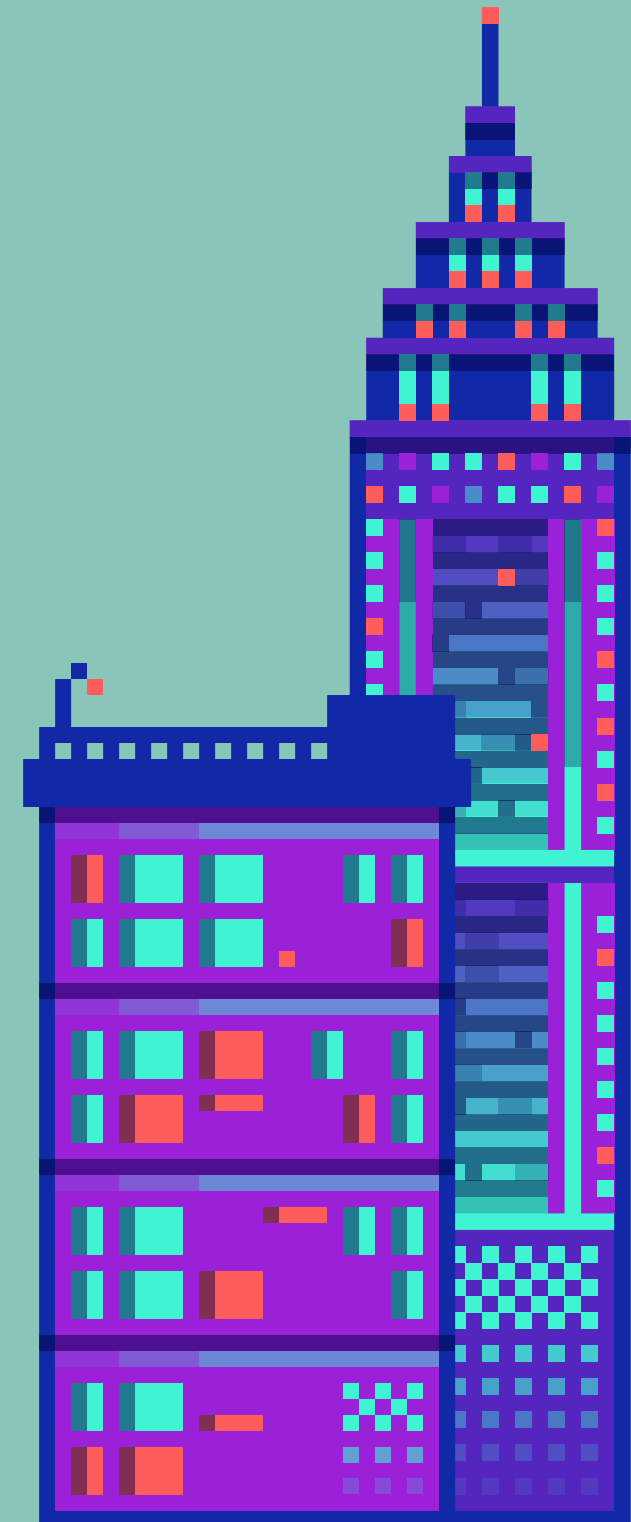
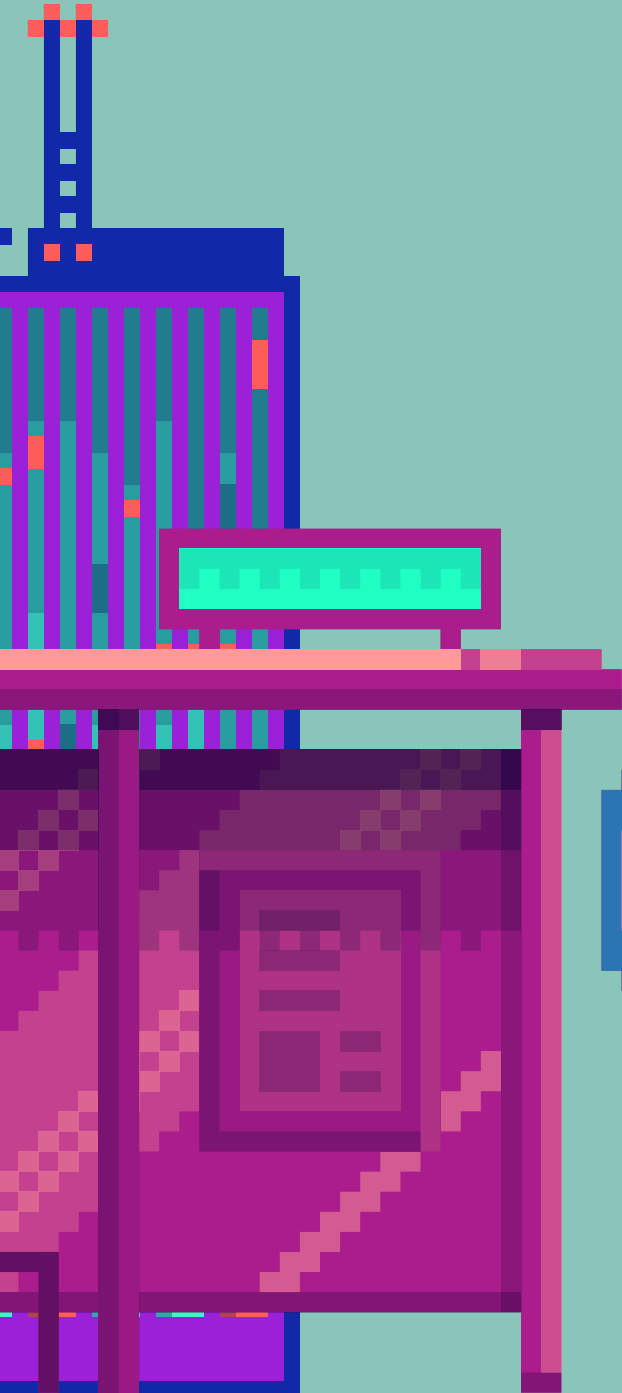


TRUE OR FALSE

If a person doesn't resist sexual intimacy, they have given consent

True

False

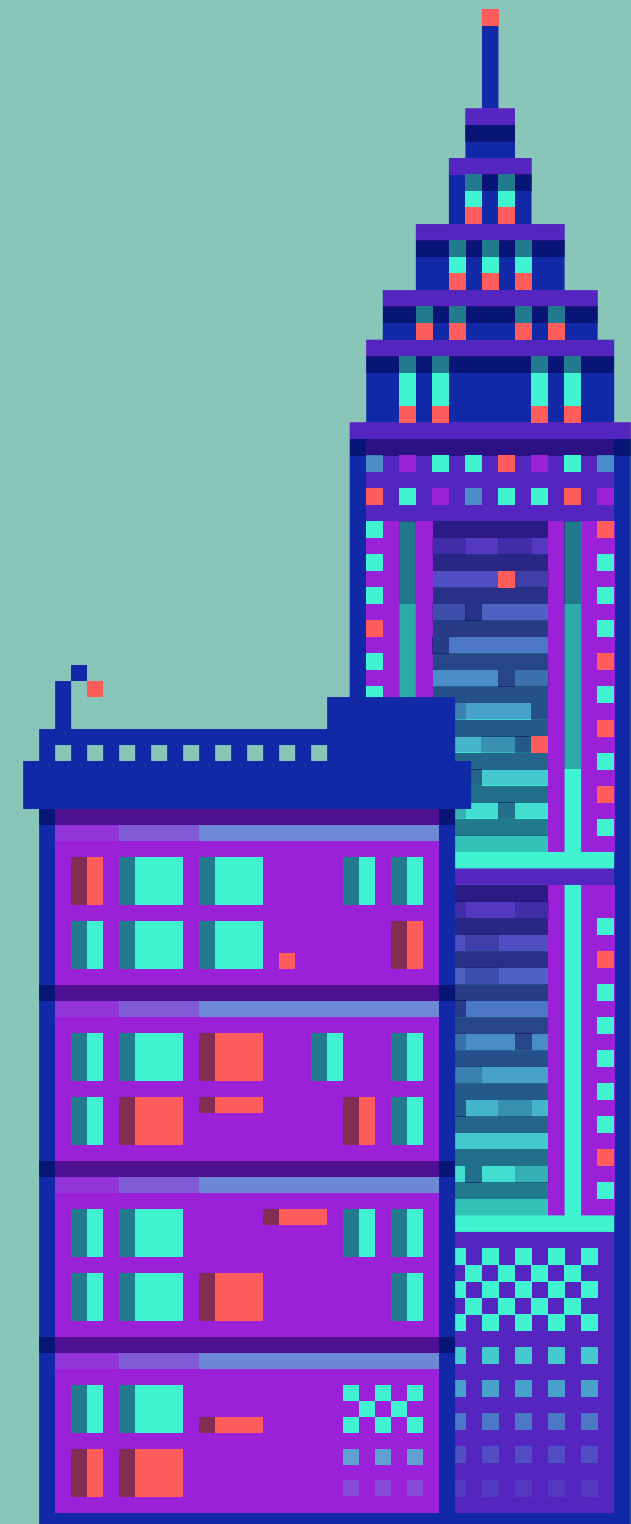
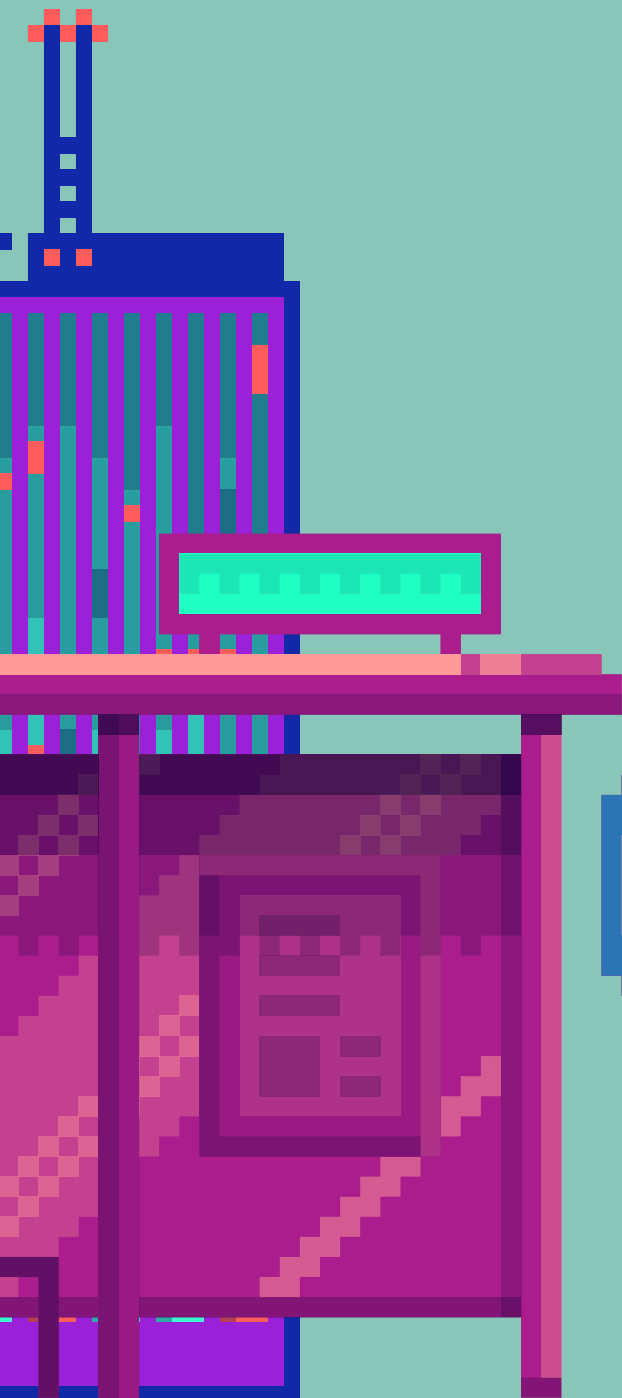


ANSWER

If a person doesn't resist sex,
they have given consent

True

False



MULTIPLE CHOICE

What is the most important element of consent?

a). Saying "yes" once

B) Clear, ongoing, and freely given agreement

C) Not saying "no"

D) Being in a relationship

ANSWER

What is the most important element of consent?

a. Saying "yes" once

b) Clear, ongoing, and freely given agreement

c) Not saying "no"

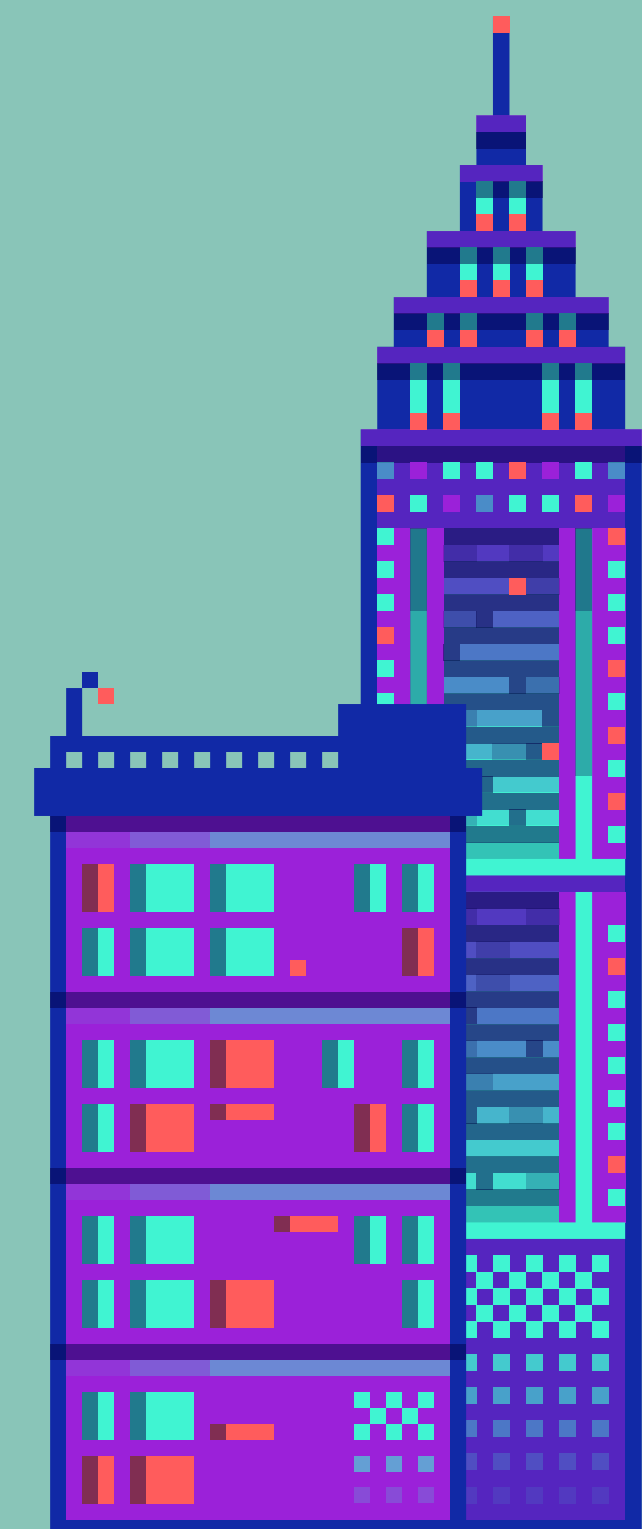
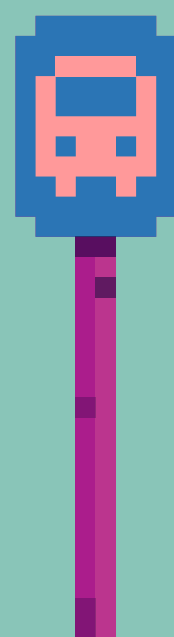
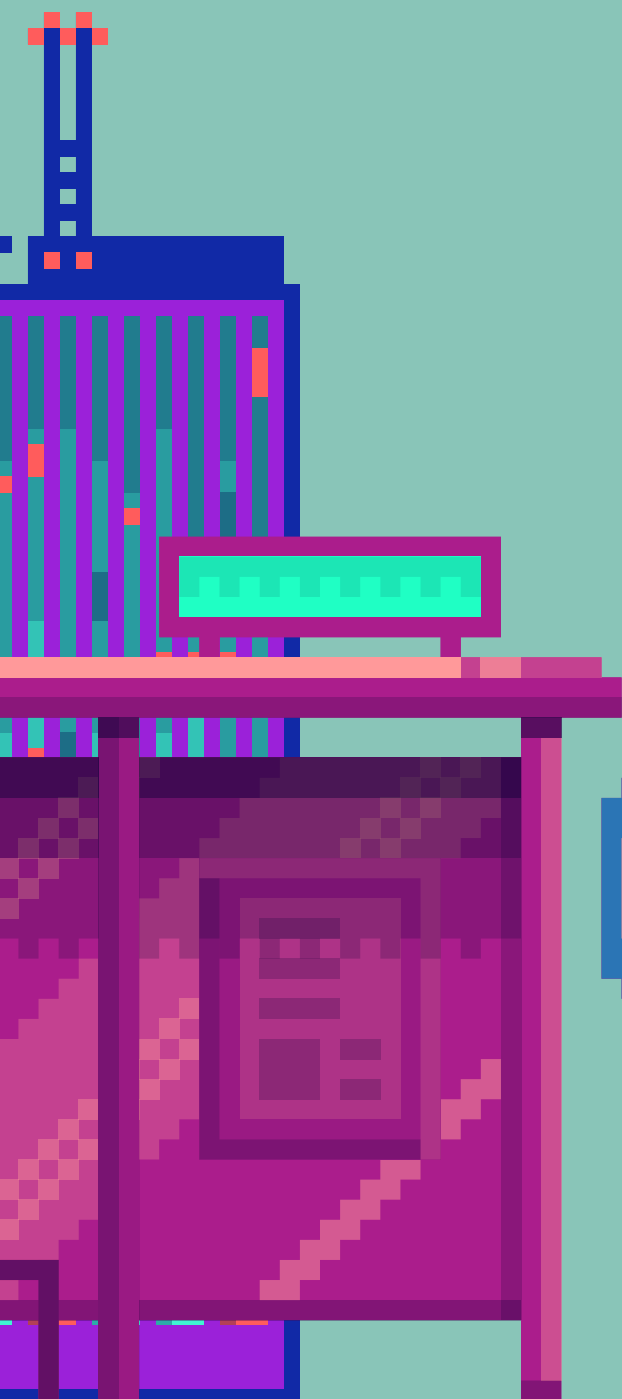
d) Being in a relationship

TRUE OR FALSE

If two 16 year olds consensually share photos online, this is legal under close-in-age exceptions

True

False

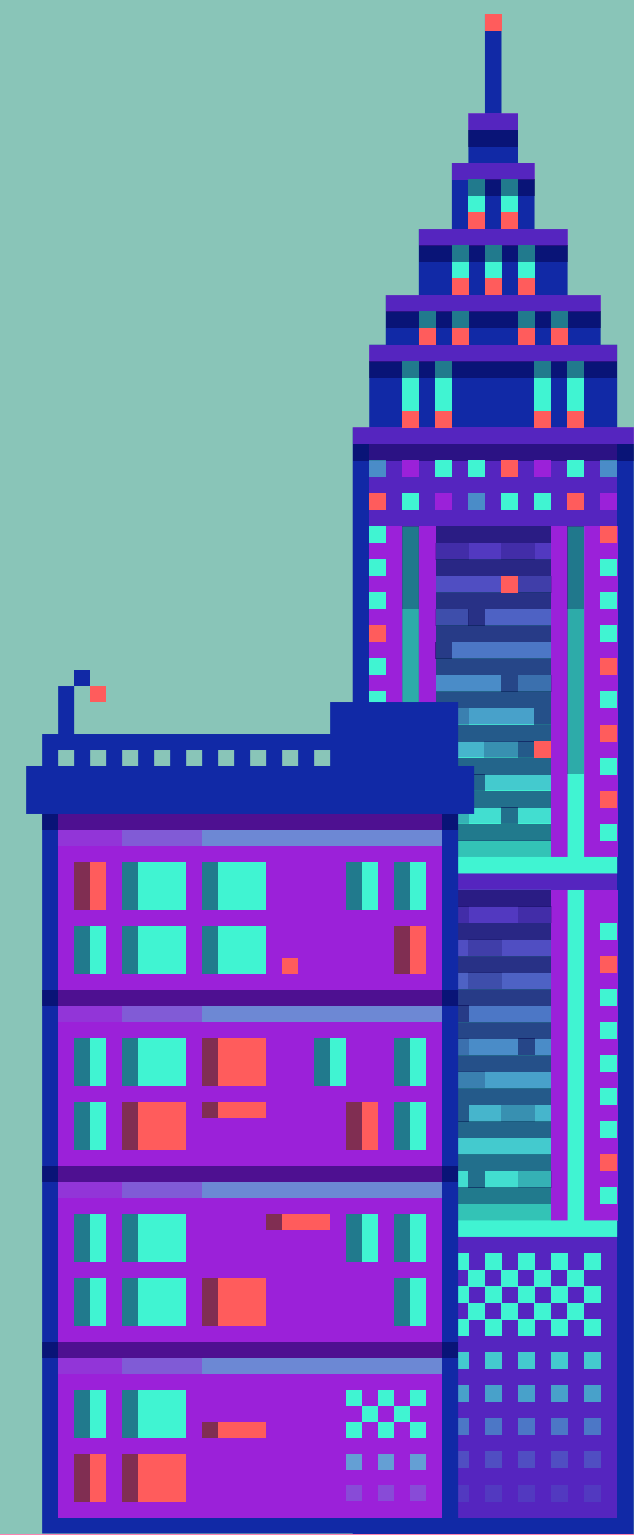
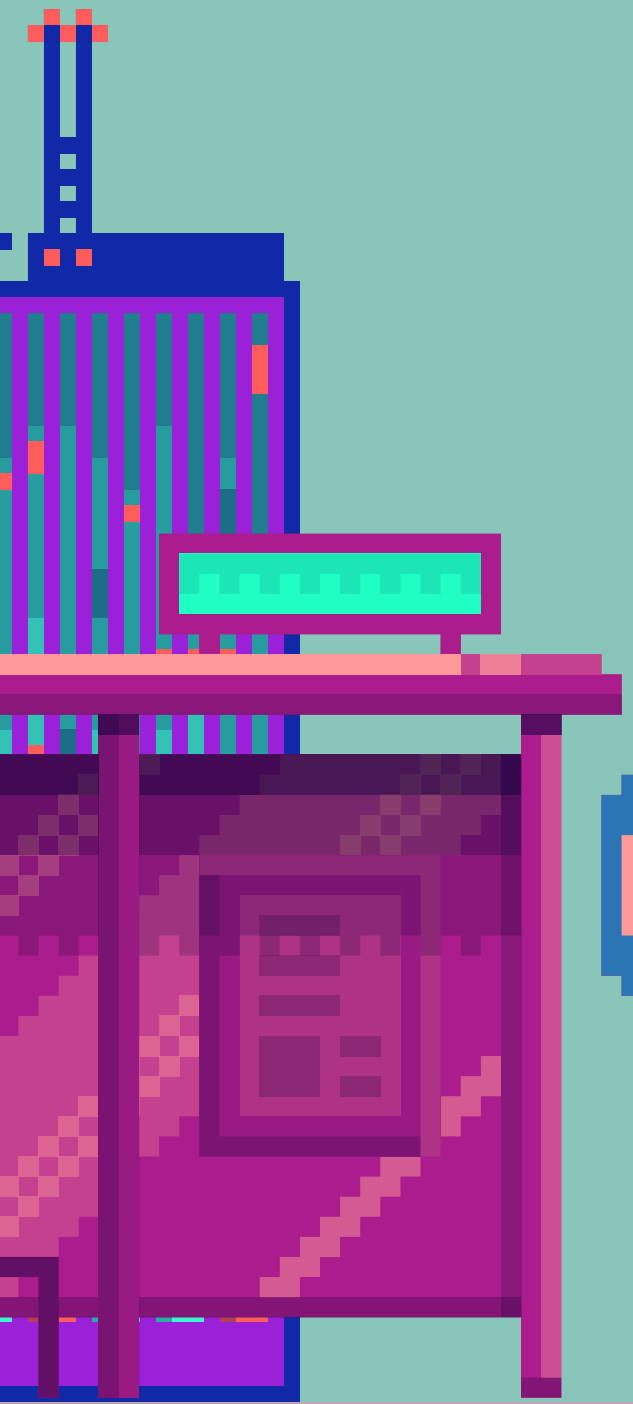


ANSWER

If two 16 year olds consensually share photos online, this is legal under close-in-age exceptions

True

False





northstar
FROM ADVOCACY TO IMPACT

THANK YOU