

Criminal Code of Canada

Laws have been written into the Criminal Code of Canada in order to protect all people from being hurt. The following are laws about sexual assault:

Level 1 Sexual assault – This is when a person is kissed, sexually touched or forced to have intercourse without his or her consent.

Level 2 Sexual assault with a weapon, threats to a third party or causing bodily harm – This is when a person is sexually assaulted by someone who has a weapon (or pretends to have one), if the offender threatens to harm another person if he or she does not participate in a sexual act, or if more than one person sexually assaults him or her.

Level 3 Aggravated sexual assault – This is when a person is wounded, disfigured, beaten, or in danger of losing his or her life while being sexually assaulted.

Age of Protection

Some laws talk about age. These laws were not created to stop teenagers from sexual activity, but to protect them from being taken advantage of by someone older or with more power. 'Consent' is when a person agrees to a sexual activity with someone else.

However, there are certain situations when someone cannot legally give consent:

- Anyone who is 12 or 13 cannot agree to sexual activity with someone who is more than 2 years older.
- Anyone who is 14 or 15 cannot agree to sexual activity with someone who is more than 5 years older.
- Anyone who is under 17 cannot consent to someone who is in a position of trust or authority (coach, teacher)
- Saying that the age of the young person was unknown at the time of the sexual activity is NOT a valid defense unless the accused can prove that they took all reasonable steps to find out the age of the complainant.



**Get in touch if you have any questions
or need support.**

Issues of Consent

- Consent is not legal if a person is incapacitated by drugs or alcohol.*
- Consent is not legal if force or threats are used.
- Consent to anal intercourse is not legal for a person under the age of 18 unless they are married.
- Incest is illegal at any age.
- It is not always possible to fight back and a lack of resistance does not mean a person consented to the assault.
- If a person does fight back, they will not be charged with assault provided they did not use more force than necessary to fight off an attacker.

*The issue of consent around the use of drugs and alcohol is a difficult standard to meet, have particularly when the survivor has willingly consumed some alcohol or drugs and then may be incapacitated by other substances without their knowledge or when the person is too intoxicated to understand or know if they are giving consent.

**Being under the influence of drugs or alcohol is not an excusable defense for the offender not to have obtained consent.

It is important to know that saying 'no' is not the only way to resist unwanted sexual advances. Some people stay quiet during the assault because they are scared that the offender might hurt them even more if they yell, or some people 'zone out' and pretend that they are somewhere else or not in their body in order to make the assault less scary

CCASA Contact Information

CCASA Support & Information Line
9am-9pm – 7 days a week
403-237-5888

Alberta's One Line for Sexual Violence
9am-9pm – 7 days a week
Phone/Text | 1-866-403-8000
Chat | calgarycasa.com
TTY Line 403-508-7888