

PREVENTION OF SEXUAL VIOLENCE IN SPORTS AND RECREATION

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CONSENT TO SEXUAL ACTIVITY

The concept of consent to sexual activity remains one of the fundamental principles of preventing sexual violence. Raising awareness, providing information, and educating others about this issue must be the primary focus of our actions in order to foster a healthy and safe environment for participating in recreational activities or sports.

Whether you're a participant, speaker, or instructor in a recreational activity, or a player on a sports team or the coach, it is up to each and every one of us to manage these issues with kindness and sensitivity.



What is consent?

The *Criminal Code* defines consent to sexual activity as an individual's voluntary agreement to engage in sexual activity. You must make sure you have obtained consent before engaging in sexual activity and never take consent for granted.

How can consent be expressed?

For it to be valid, consent to sexual activity must be clearly demonstrated by a person's words or behaviour.

IMPORTANT

There is no consent to sexual activity in situations involving passivity, silence or ambiguous behaviour. The concept of tacit or implicit consent to sexual activity does not exist.

Who can consent?

Only the person themselves.

No third party (e.g. parent, friend) has the right to consent to sexual activity on behalf of the person concerned.

When should consent be given?

Consent must be given at the time of the sexual activity.

IMPORTANT

Consent to sexual activity can be withdrawn at any time.

There is no consent to sexual activity when:

- a person abuses or takes advantage of a position of trust or authority
- a person uses bullying or threats to force the other person to participate in a sexual activity
- a person is incapable of giving consent (e.g. is intoxicated by alcohol, medication or drugs, has a disability, is unconscious)



LEGAL AGE OF CONSENT TO SEXUAL ACTIVITY

At what age can a person consent?

In Canada, the legal age of consent to sexual activity is **16 years**. In some cases, the age of consent is higher (e.g. when there is a relationship of trust, authority or dependency). Young **people aged 12 and under cannot, under any circumstances, consent** to sexual activity.

EXCEPTIONS

CLOSE IN AGE EXCEPTIONS

14- or 15-year-olds	Can consent to sexual activity	Provided that the other person is less than 5 years older
12- or 13-year-olds		Provided that the other person is less than 2 years older

And there is no relationship of trust, authority or dependency or any other exploitation of the young person

SEXUAL EXPLOITATION

A 16- or 17-year-old cannot consent to sexual activity if:

- the other person is in a position of trust or authority over them (e.g. their teacher or coach)
- the young person is dependent on the other person (e.g. to provide care or support)
- the relationship between the young person and the other person is exploitative

IMPORTANT: There is no consent to sexual activity between a person in a position of trust or authority and the person engaging in the activity, regardless of age.

Who is in a position of trust or authority?

In a sports context, persons in positions of trust or authority may include coaches, officials, parents, sports managers or members of the support team (e.g. physiotherapist, physician, psychologist, massage therapist).

In a recreational context, persons in positions of trust or authority may include activity leaders, staff members or managers.

References:

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