



**Kitchener-Waterloo
Sexual Assault Support Centre**

151 Frederick St, Suite 201,
Kitchener, Ontario, N2H 2M2

**24 Hour Crisis &
Support Line** (519) 741-8633

Business Line (519) 571-0121
Fax Line (519) 571-0522
TTY/TDD (519) 571-0864
Website www.kwsasc.org

Sexual Child Abuse The Laws

Offences Include:

- ◆ Sexual Interference*
- ◆ Invitation to sexual touching*
- ◆ Sexual Exploitation of a young person*
- ◆ Anal Intercourse**
- ◆ Bestiality
- ◆ Parent or guardian procuring sexual activity of a child.
- ◆ Householder permitting sexual activity
- ◆ Exposing genitals to a child
- ◆ Vagrancy
- ◆ Incest*
- ◆ Corrupting children
- ◆ Indecent acts
- ◆ Sexual assault*
- ◆ Sexual assault with a weapon, threats to a third party or causing bodily harm.*
- ◆ Aggravated sexual assault.*

** see attached definitions as per the Criminal Code of Canada.*

Consent:

Sexual activity without consent is always a crime regardless of the age of the individuals.

- ◆ Individuals who sexually abuse children are not able to avoid criminal responsibility by claiming a child “consented” to the abuse.
- Children under the age of 12 are never considered able to consent to sexual activity.
- Children 12 or more, but under 14, are deemed unable to consent to sexual acts except under specific circumstances involving sexual activity with their peers.
- ◆ Young persons 14 or more but under 18, are protected from sexual exploitation and their consent is not valid if the person touching them for a sexual purpose is in a position of trust or authority over them or if they are in a relationship of dependency with that person.
- ◆ It is not a defence to these crimes for the accused to say that he or she believed the young person was older. The person accused of the crime has to prove that all “reasonable steps”, such as asking for identification showing proof of age, were taken.

Sexual Activity between Young People:

- ◆ It is recognized that adolescents, as part of their normal development, may engage in some sexual exploration. To allow for this, the law says that it is not a crime for two adolescents who are close to the same age to agree to sexual activity. The consent of both adolescents is, of course, essential.
- ◆ In cases where the alleged victim is 12 or more, but under 14, the defence that the victim consented to the sexual activity can therefore be raised by an adolescent accused of sexual abuse.



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This defence can be accepted by the court if the accused is less than two years older than the victim and is not yet 16 years of age. However, the defence is not available if the accused is in a position of trust or authority in relation to the victim or if the victim is in a relationship of dependency with the accused.

- ◆ **The age of consent for anal intercourse taking place in private between consenting individuals is 18, unless the young persons are married to each other.