

Getting Help

If you are a survivor of sexual violence and want to talk to a trained support worker, the NL Sexual Assault Crisis and Prevention Centre is here to support your decisions and help you take steps towards healing.

Call our **24 hour support and information line** if you need crisis support and/or information.

To access **in person support**, please call 747-7757 to arrange an appointment to meet with a support worker.

We can **accompany** you to the hospital, medical appointments, or legal proceedings if you would like an advocate or someone to support you.

We can provide **referrals** to community and professional services.

NL Sexual Assault Crisis and Prevention Centre

360 Topsail Road Suite 101

St. John's, NL A1E 2B6

Tel: 709-747-7757

Fax: 709-747-7758

www.EndSexualViolence.com

24-hour, Crisis Support and
Information Line:

Toll Free: 1-800-726-2743

St. John's: 726-1411

Sexual Violence and The Law

24-Hour Crisis Support

& Information Line:

1-800-726-2743

Newfoundland and Labrador Sexual Assault
Crisis and Prevention Centre



Sexual Assault and the Law

Sexual Violence

Sexual violence is any form of unwanted sexual contact that is against a person's will or without consent. It can include kissing, touching, grabbing, forced oral sex or sexual intercourse, mutilation, murder, etc. This brochure discusses some laws in Canada that relate to acts of sexual violence.

Sexual Assault I (Common Sexual Assault)

It is a crime if someone forces any form of sexual activity on another person (e.g. kissing, touching, fondling, intercourse, etc.) without that person's consent.

Sexual Assault II (Causing Bodily Harm)

If, during an assault, an attacker uses a weapon, threatens to use a weapon (real or imitation), or threatens to harm a person other than the victim, or if there is more than one attacker in the same incident.

Sexual Assault III (Aggravated)

If an attacker wounds, maims, disfigures, brutally beats a victim, or in any way, endangers the victim's life during an assault.

Sexual Interference (Youth under 16)

It is a crime if someone, for a sexual purpose, touches any part of the body of a person who is under 16 years of age.

Invitation to Sexual Touching (Youth under 16)

It is a crime if someone, for a sexual purpose, encourages a youth to touch him/her with any part of the youth's body or with an object. It is also a crime if someone, for a sexual purpose, encourages a youth to touch his or her own body, or the body of someone else.

Incest

It is a crime if a relative has sexual intercourse with another blood relation (e.g. a parent, brother, sister, grandparent, half-brother, etc.).

Sexual Exploitation

It is a crime if someone in a position of trust or authority towards a young person or a person with whom a young person is in a relationship of dependence commits any sexual offence.

Exposure

It is a crime if someone, for a sexual purpose, exposes his/her own genital organs to a person who is under the age of 16. Exposure is against the law toward persons of any age if it occurs in public.

The Meaning of Consent

For any sexual act to be considered legal, both persons must agree to engage in the sexual act. There are a number of situations where consent cannot be given.

Consent cannot be given when:

- A person is under the influence of alcohol or drugs
- A person is asleep or passed out
- Lies were used to obtain consent
- The person changes his/her mind
- The person is a blood relative
- A third person said yes to sex for someone
- A person is in a position of trust or authority (e.g. caregiver, teacher, doctor, police officer etc.)
- Threats or force were used to obtain consent

The Legal Age of Consent in Canada is 16

Children under 12 can never consent to sexual activity.

Youth 12 or 13 years of age can only consent to sexual activity if there is less than a 2 year age difference between them.

Youth 14 or 15 years of age can only consent to sexual activity if there is less than a 5 year age difference between them.