



## THE AGE OF CONSENT FOR SEXUAL ACTIVITIES

In Canada, the age of consent for sexual activities is 16. This means that, subject to certain exceptions, a person under the age of 16 cannot consent to sexual activities. It is important to know that the term “sexual activities” includes all activities of a sexual nature (kissing, touching a part of the body for sexual purposes, inviting someone to touch us for sexual purposes, sexual intercourse, etc.).

When a person does not or cannot consent to a sexual activity, the activity is a criminal offence.

There are two exceptions to the principle that children and adolescents under the age of 16 cannot consent to sexual activities. These exceptions are found in subsections 150.1(2) and (2.1) of the Criminal Code:

### “Exception — complainant aged 12 or 13

(2) When an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is 12 years of age or more but under the age of 14 years, it is a defence that the complainant consented to the activity that forms the subject-matter of the charge if the accused

- (a) is less than two years older than the complainant; and
- (b) is not in a position of trust or authority towards the complainant, is not a person with whom the complainant is in a relationship of dependency and is not in a relationship with the complainant that is exploitative of the complainant.

### Exception — complainant aged 14 or 15

(2.1) If an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is 14 years of age or more but under the age of 16 years, it is a defence that the complainant consented to the activity that forms the subject-matter of the charge if the accused

- (a) is less than five years older than the complainant; and
- (b) is not in a position of trust or authority towards the complainant, is not a person with whom the complainant is in a relationship of dependency and is not in a relationship with the complainant that is exploitative of the complainant.”

Thus, the age of the people involved is important, as is the nature of the relationship between them.

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\* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.



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## Legal Brief\*

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### THE AGE OF CONSENT FOR SEXUAL ACTIVITIES (CONTINUED)

Chloë, who is 12 years old and is in a healthy relationship with her boyfriend Anthony, who is 13 years old, can have sexual relations with him if both of them consent in a free and informed manner.

However, she cannot have sexual relations with Logan, who is 11 years old, because children under the age of 12 cannot consent to sexual activities under any circumstances. Even if Logan wants to participate in such activities with Chloë, she cannot do so with him without committing a criminal offence.

Catherine, who is 15 years old, is the babysitter of Jeremy, who is 13 years old. She cannot engage in sexual activities with him, even if they both appear to consent. Jeremy's consent to this type of activity is not valid, since Catherine is in a position of authority with respect to him.

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Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online at [questionnaire](#).

To find the contact information for your legal aid office, please click on the following link [www.csj.qc.ca/](http://www.csj.qc.ca/).

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