

What is the age of consent?

Here in Manitoba, and across Canada, the age of **consent to sexual activity is 16 years-old**. This is the age that criminal law recognizes the legal capacity of a young person to agree freely (without pressure, manipulation or threat) to sexual activity.



All sexual activity without consent, regardless of age, is a criminal offence.

Are there situations where a 16 year-old cannot consent?

Yes. In some situations you must be 18 years-old to consent to sexual activity. Depending on what you are doing, and who you are doing it with, sexual activity with a person under 18 years old may be illegal.

A person under 18 years of age cannot consent to sexual activity in the following situations:

- The other person has a relationship of trust or authority over this individual or he or she is dependent on that other person. People in positions of trust or authority include teachers, coaches, babysitters, family members, employers, Elders, ministers or doctors
- This individual is being exploited. Sexual exploitation is the exchange of sex or sexual activity for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation also includes involving youth under 18 in pornography.

Can someone under 16 ever legally consent to sex or sexual activity?

Yes, there are some exceptions when two people are close in age.

According to the Criminal Code of Canada:

- A 14 or 15 year-old individual **can** consent to sexual activity with someone who is **less than five years older** than them.
- A 12 or 13 year-old individual **can** consent to sexual activity with someone who is **less than two years older** than them.

NOTE: These exceptions **only** apply if the older person is NOT in a position of authority or trust. For example, even if a 14-year old individual agrees to sexual activity with his or her 18-year old basketball coach - because the coach is in a position of authority, the law does not consider the consent to be freely given.

Children under 12 years of age can never legally consent to sex or sexual activity.

Can someone else, such as my husband, parent or friend, consent for me?

No. The consent has to come from you.

