

Communicating Consent



Consent is needed when one person wants to do something to another person or with another person. It is about asking someone for permission to do something to them or with them and the other person choosing to give you their permission or not. Consent is important for every part of your life, but it is especially important for sexual activity. This information sheet is about **asking** for consent and **giving** consent.

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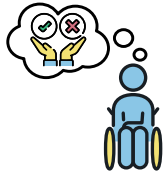


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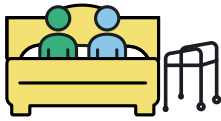
Important things to remember about consent



When a person is asked to consent to something, they can choose if they want to give their consent or not.



A person can say yes and then change their mind later. If a person changes their mind, their choice to say “no” should be respected by the other person.



When a person consents to one thing, it does not mean they consent to something else. For example: if someone consents to penis-vagina sex, it does not mean they also consent to having oral sex.

Asking for consent

Asking for consent is about asking someone for their permission to do something to them or with them. If you want to do anything to someone or with someone, you need to make sure they are okay with that.

Here are some examples of when you need to ask for consent:



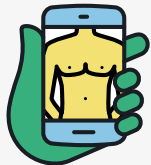
If you want to give your friend a hug, you need to ask them if they are okay with that.



If you want to touch a person's mobility aid, you need to ask them if they are okay with that.



If you want to touch, hug, kiss, or have sex with your partner(s), you need to ask them if they are okay with it before you do anything.

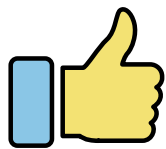


If you want to send someone a naked or sexy picture of yourself, you need to ask them if they want to see it before you send it.

Check out the [Sexting: Information Sheet](#) to learn more about sexting laws in Canada and the risks involved in sending naked or sexy pictures of yourself to other people.



How to know if someone has consented?



You can only be sure that someone is giving you their consent if they say “yes”.



If you are asking someone who is non-verbal to consent, it is important that they clearly show you that they consent.

Some ways a person can show you they consent include:



- The person types “yes” on their phone.
- The person nods.
- The person points to the symbol for “yes” on their augmentative and alternative communication (AAC) board.
- Symbols or images for sexual activities can also be added to an AAC board. Ask a caregiver or health care provider if you want sexual activities to be added to your AAC board.



Consent is an ongoing process. It’s important to regularly check in with your partner(s) to ensure they continue to agree to what’s happening.



Sometimes people might not give you a direct answer. If you are not sure, that means **no**.

Giving consent

If anyone wants to do something to you or with you, they need to ask you for your consent.

Here are some examples of when someone needs to ask you for your consent:



If a person you are on a date with wants to touch you or your mobility aid, they need to ask you if you are okay with being touched first.



If a person wants to help you, they need to ask you if you want their help first.

You can decide if you want to give that person consent or not.

You can say yes or no – it is your choice.

**It is also okay to change your mind after saying “yes”
– and the other person must respect your choice to say “no.”**



The person is not allowed to do anything to you or with you that you do not want. If you feel like someone is not respecting your choice, you can tell someone you trust and ask for help.

Consent to sexual activity

When two people want to do any sexual activity (or “have sex”), each person needs to clearly communicate that they want to do the sexual activity.

When a person says they want to do a sexual activity that means they are consenting to the sexual activity.



When a person is giving their consent to sexual activity, it needs to be an enthusiastic consent. Enthusiastic consent means that a person **clearly** says yes or **clearly** expresses that they want to take part in sexual activity.

It is not enough that the person just hasn't said “no.”

Here is a video that explains what enthusiastic consent means:

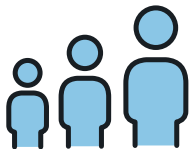
<https://www.youtube.com/watch?v=AqBQH1e7XwQ>



For someone to be able to consent to sexual activity:

The person must be 16-years-old or over.

There are some exceptions in Canadian law:



- If a person is 12- or 13-years-old, they **can** consent to having sex with someone who is 1 - 2 years older than them.
- If a person is 14- or 15-years-old, they **can** consent to having sex with someone who is 1 - 5 years older than them.
- If a person is under 18-years-old, they **cannot** consent to having sex with someone who has power over them like a caregiver, a teacher, a doctor, or a boss at work, just to name a few.

Children under the age of 12 **cannot** consent to any type of sex.



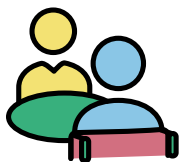
The person must understand what they are being asked to do.



The person must not be sleeping.



The person must not be drunk or high.



The person must not feel pressured to say “yes” to something they do not want to do.

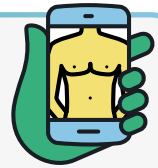
It is against the law **for anyone to force you** to do a sexual activity that you do not want to do at any age.

It is against the law **for you to force anyone** to do a sexual activity that they do not want to do at any age.

There are laws about sexting in Canada. Sexting (or sending a sext) is when one person sends sexual messages, pictures, or videos to another person by text message, email, or on social media (by direct messages or “DMs”).

A sext can be:

- A naked or sexy picture or video of yourself, sometimes called “nudes”
- A written message or a voice message about sex



Laws about sexting in Canada:



If someone sends you a naked or sexy picture/video of themselves or another person, it is against the law to share that picture/video with anyone else. It does not matter if other people shared it first.



If you are 18-years-old or older, it is legal to send a sext to another person if the other person says that they want to receive a sext from you. Ask the person if they want to receive a sext from you before sending one.



If you are under 18, in most situations it is **against the law** to send sexts. That means it is possible you could get in trouble for sending a sext, especially if the person you are sending it to did not consent to receiving it.

- For more information on if it is legal for two people under the age of 18 to share sexts privately and with consent, check out Digitally Informed Youth’s [infographic](#).

Check out the [Sexting: Information Sheet](#) to learn more about sexting laws in Canada.



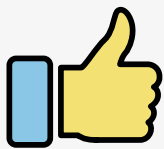
It is also important to have conversations about consent before you engage in sexual activity. These conversations can cover topics such as:

- Each person's comfort with their body (such as which positions feel good or not good).
- Individual preferences (i.e., likes and dislikes).
- Ways to show continued consent (such as nodding or using specific vocalizations).
- Ways to communicate if you want to stop (such as using a safe word).
- Practical aspects, like getting undressed or organizing cleanup afterward.

Here are some questions you can ask to make sure someone consents to sexual activity and continues to consent:



I want to have sex with you. Do you want to have sex with me?



This feels really good. Does it feel good to you?
Do you want to continue?



You seem nervous. Do you want to stop?



Do you want to go further? (Make sure everyone is on the same page about what “go further” means.)

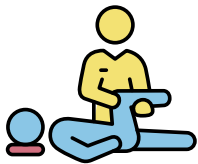
Giving consent to sexual activity



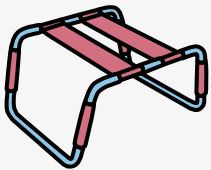
For some disabled people, consenting to sexual activity might also involve consenting to receiving help with things like getting undressed, moving into a private space for sex, and getting into a comfortable position for sex.



If you need help with getting ready for sex, it is important to communicate these needs with your partner(s). Communicate the things you want or do not want help with.



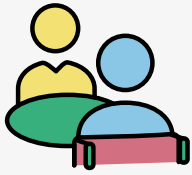
In some cases, someone else like a caregiver or personal support worker may be able to help you get ready for sex. You can ask a caregiver or personal support worker you trust for their help and they can decide if they are comfortable helping you or not. Your caregiver or personal support worker has the right to decline helping you with sexual activities and some agencies limit what they are allowed to do.



If your caregiver or personal support worker is not comfortable or allowed to help you, you can ask a friend you trust or explore other options, such as accessible sex toys.



Check in with yourself and your partner(s) during sex to make sure everyone wants to continue. Some positions or activities might be uncomfortable, painful, or lead to embarrassment (e.g., incontinence or passing gas). If this happens, check in with your partner(s) and communicate your needs or preferences (e.g., changing positions, using a pillow for support).



Sometimes, people feel uncomfortable or regret a sexual experience. Talk to a person you trust, or reflect on your own, about what made you feel uncomfortable/what you regret, why, and how you might approach things differently in the future.

If you need support regarding sexual abuse, sexually transmitted infections or emergency contraception, talk to a health care provider. You can also check out the

[Preventing Sexually Transmitted Infections: Information Sheet](#) or [Birth Control: Information Sheet](#) for more information.



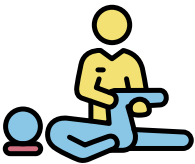
Here are some examples of things you can say to your partner(s) if you need help getting ready for sex:



Can you help me get undressed?

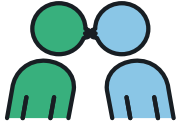


Let's go to the bedroom. I might need some help getting onto the bed, can you help me?



Before we have sex, I'll have my caregiver help me get ready. My caregiver will come get you when I'm ready and you can come into the room.

Here are some examples of things you can say if you want to stop or slow down:



We can kiss, but I do not want to do anything else.



I am not ready to have sex with you. Can we just cuddle?



This is hurting me. Can we try a different position?



I want to be with you, but I just don't want to have sex right now.



I want to stop.



I know we planned to have sex today, but I'm really not feeling well. Can we reschedule?



No. Stop.

Consent and receiving care

If you receive support for personal care needs like getting dressed, showering/bathing, cooking/eating, cleaning, and getting around, the person caring for you must ask you for your consent before doing anything to you or for you.

The person caring for you can be a parent, another family member, a friend, a partner, a health care provider, or a service provider.

The person caring for you must respect your decisions. For example:



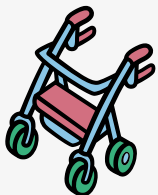
If you tell the person caring for you that you do not want their help with something, they must respect your decision.



If you tell the person caring for you that you do not want them to touch certain parts of your body, they must respect your decision.



If you tell the person caring for you that you do not want them to touch your belongings, they must respect your decision.



If you tell the person caring for you that you do not want them to touch your mobility aid, they must respect your decision.



If you tell the person caring for you that you do not want to tell them personal things about yourself, they must respect your decision.

Supported decision-making

If you are in a situation where you are asked to consent to something, but you do not fully understand what you are being asked to consent to, you can ask for help.

Sometimes other people might want to make decisions for you. It is better to ask people to explain to you what you are being asked to consent to, using language you understand. That way you can make your own decisions.

Sometimes people might want to make decisions for you. They might offer you a lot of advice or make it seem like you don't have a choice. **But you do. It's your body; it's your choice.**

To prepare for these types of situations, it can be helpful to put together a group of people you trust to help you make important decisions when you need the help. **This is called supported decision-making.**

This is different than guardianship or substitute decision-making. Guardianship and substitute decision-making are when other people make decisions for you.

To put together a supported decision-making team:

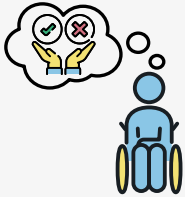
Find a few people to be on the team. The people on the team should be people that:



- You trust
- Know you well
- Will be around to support you for a long time
- Respect your opinion
- Will give you all the information you need to make your own choices

Figure out how you want your supported decision-making team to help you.

For example:



- Do you want the whole team to be involved in all the decisions you make?
- Will you ask certain people to help you with certain decisions and other people to help you with other decisions?
- Are there people on the team you will go to first for help, before asking other people on the team?



It can be helpful to write out an agreement with the team so that everyone understands their role. You can also ask one of the team members to help you write out an agreement.

**Other people should not be making decisions for you.
You have the right to be involved in decisions about your life.**

Sexual assault

If someone touches your body or does something sexual to you that you did not say “yes” to and that you did not want, this is sexual assault.



Check out [Protecting Yourself from Abuse: Information Sheet](#) for more information about what your rights are, what abuse is, and what you can do if you have been abused.

