

# Canada

## National Child Protection Legislation

### National Legislation

- Age of Consent: **16 years old**  
[Criminal Code](#)  
**Art. 150.1 (1) Consent no defence**  
Subject to subsections (2) to (2.2), when an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of 16 years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge.  
  
*See also*, Criminal Code Art. 159. Anal intercourse
  - Age of Marriage: **16 years old**  
[Civil Marriage Act](#)  
**Art. 2.2** No person who is under the age of 16 years may contract marriage.  
  
[Criminal Code](#)  
**Marriage under age of 16 years**  
**Art. 293.2** Everyone who celebrates, aids or participates in a marriage rite or ceremony knowing that one of the persons being married is under the age of 16 years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.
  - Age of Criminal Responsibility: **12 years old**  
[Criminal Code](#)  
**Child under twelve**  
**Art. 13** No person shall be convicted of an offence in respect of an act or omission on his part while that person was under the age of twelve years.
- 
- **Extraterritoriality**  
  
[Criminal Code](#)  
**Offences outside Canada**  
**Art. 6 (2)** Subject to this Act or any other Act of Parliament, no person shall be convicted or discharged under section 730 of an offence committed outside Canada.
  - **Dual Criminality**  
  
[Criminal Code](#)  
**Jurisdiction**  
**Art. 3.7** Notwithstanding anything in this Act or any other Act, everyone who, outside Canada, commits an act or omission that, if committed in Canada, would constitute an offence against, a conspiracy or an attempt to commit an offence against, being an accessory after the fact in relation to an offence against, or any counselling in relation to an offence against, section 269.1 shall be deemed to commit that act or omission in Canada if

- (a) the act or omission is committed on a ship that is registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament;
  - (b) the act or omission is committed on an aircraft
    - (i) registered in Canada under regulations made under the [Aeronautics Act](#), or
    - (ii) leased without crew and operated by a person who is qualified under regulations made under the [Aeronautics Act](#) to be registered as owner of an aircraft in Canada under those regulations;
  - (c) the person who commits the act or omission is a Canadian citizen;
  - (d) the complainant is a Canadian citizen; or
  - (e) the person who commits the act or omission is, after the commission thereof, present in Canada.
- **Mandatory reporting requirements**

The Criminal Code of Canada does not require teachers, physicians, or others to report sexual offences against children. However, each province and territory has legislation that imposes a duty to report if there are reasonable grounds to believe that a child is in need of protection (including sexual abuse). The duty to report is mandatory though the information reported may be confidential. Failure to report constitutes an offence.

**Alberta:** [Child, Youth and Family Enhancement Act, RSA 2000, c C-12.](#)

**Reporting child in need**

**Art. 4(1)** Any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter to a director.

**Art. (6)** Any person who fails to comply with subsection (1) is guilty of an offence and liable to a fine of not more than \$2000 and in default of payment to imprisonment for a term of not more than 6 months.

**British Columbia:** [Child, Family and Community Service Act, RSBC 1996, c 46.](#)

**Duty to report need for protection**

**Art. 14 (1)** A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.

(3) A person who contravenes subsection (1) commits an offence.

(5) No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.

(6) A person who commits an offence under this section is liable to a fine of up to \$10 000 or to imprisonment for up to 6 months, or to both.

**Manitoba:** [Child and Family Services Act](#)

**Reporting a child in need of protection**

**Art. 18(1)** Subject to subsection (1.1), where a person has information that leads the person reasonably to believe that a child is or might be in need of protection as provided in section 17, the person shall forthwith report the information to an agency or to a parent or guardian of the child.

**Reporting child pornography**

**Art. 18(1.0.1)** In addition to the duty to report under subsection (1), a person who reasonably believes that a representation, material or recording is, or might be, child pornography shall promptly report the information to a reporting entity.

### **Duty to report**

**Art. 18(2)** Notwithstanding the provisions of any other Act, subsections (1) and (1.0.1) apply even where the person has acquired the information through the discharge of professional duties or within a confidential relationship, but nothing in this subsection abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor's client.

### **New Brunswick: Family Services Act**

**Art. 30(1)** Any person who has information causing him to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated, including sexual exploitation through child pornography or otherwise abused shall inform the Minister of Families and Children of the situation without delay.

(3) A professional person who acquires information in the discharge of the professional person's responsibilities that reasonably ought to cause the professional person to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated, including sexual exploitation through child pornography or otherwise abused but who does not inform the Minister of Families and Children of the situation without delay commits an offence.

(4) Where the Minister has reasonable grounds to suspect that a professional person has committed an offence under subsection (3), the Minister may, regardless of any action the Minister may take with respect to prosecution, require any professional society, association or other organization authorized under the laws of the Province to regulate the professional activities of the person to cause an investigation to be made into the matter.

### **Newfoundland: Child and Youth Care and Protection Act**

#### **Duty to Report**

**Art. 11 (1)** Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the information to a manager, social worker or a peace officer.

(4) This section applies, notwithstanding the provisions of another Act, to a person referred to in subsection (5) who, in the course of his or her professional duties, has information that a child is or may be in need of protective intervention.

(5) Subsection (4) applies to every person who performs professional or official duties with respect to a child, including

- (a) a health care professional;
- (b) a teacher, educational psychologist, guidance counsellor, school principal, social worker, family counsellor, member of the clergy or religious leader, persons involved in operating or providing a child care service or agency, a youth worker and a recreation worker;
- (c) a peace officer; and
- (d) a solicitor.

### **Northwest Territories: Child and Family Services Act**

#### **Duty to Report and Investigation of Report**

**Art. 8. (1)** Subject to this section, a person who has information of the need of protection of a child shall, without delay, report the matter (a) to a Child Protection Worker; or (b) if a Child Protection Worker is not available, to a peace officer or an authorized person.

**[Nova Scotia: Children and Family Services Act](#)**

**Duty to Report**

**Art. 23(1)** Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.

**Duty of professionals and officials to report**

**Art. 24(2)** Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including (a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist; (b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day-care facility; (c) a peace officer or a medical examiner; (d) an operator or employee of a child-caring facility or child-care service; (e) a youth or recreation worker, who, in the course of that person's professional or official duties, has reasonable grounds to suspect that a child (f) has or may have suffered abuse; (g) is or may be suffering abuse; or (h) is or may be about to suffer abuse in the imminent future, shall forthwith report the suspicion and the information upon which it is based to an agency

**[Nunavut: Child and Family Services Act](#)**

**Duty to report child needing protection**

**Art. 8. (1)** A person who has information of the need of protection of a child shall, without delay, report the matter (a) to a Child Protection Worker; or (b) if a Child Protection Worker is not available, to a peace officer or an authorized person.

**[Ontario: The Child and Family Services Act, CCSM c C80.](#)**

**Duty to report child in need of protection**

**Art. 72 (1)** Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually molested or sexually exploited, including by child pornography, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. The child has suffered emotional harm, demonstrated by serious,
  - i. anxiety,
  - ii. depression,
  - iii. withdrawal,

- iv. self-destructive or aggressive behaviour, or
- v. delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.

...

**Prince Edward Island: Child Protection Act**

**Mandatory Reporting**

**Art. 10 (1)** Notwithstanding any other Act, every person who has knowledge, or has reasonable grounds to suspect that a child is in need of protection shall

- (a) without delay, report or cause to be reported the circumstances to the Director, or to a peace officer who shall report the information to the Director; and
- (b) provide to the Director such additional information as is known or available to the person.

**Quebec: Youth Protection Act, CQLR c P-34.1.**

**Art. 39**

Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of section 38 or 38.1, must bring the situation to the attention of the director without delay. The same obligation is incumbent upon any employee of an institution, any teacher, any person working in a childcare establishment or any policeman who, in the performance of his duties, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of the said provisions.

Any person, other than a person referred to in the first paragraph, who has reasonable grounds to believe that the security or development of a child is considered to be in danger within the meaning of subparagraphs *d* and *e* of the second paragraph of section 38 must bring the situation to the attention of the director without delay.<sup>1</sup>

**Saskatchewan: The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, SS 2002, c E-8.2.**

**Duty to report**

**Art. 4(1)** Subject to subsections (2) and (7), every person who has reasonable grounds to believe that a child has been or is likely to be subjected to sexual abuse shall report the information to a child protection officer or peace officer.

(2) Subsection (1) applies notwithstanding any claim of confidentiality or professional privilege other than:

- (a) solicitor-client privilege; or
- (b) Crown privilege.

(3) No action shall be commenced against a person with respect to making a report pursuant to subsection (1) except with leave of the court.

---

<sup>1</sup> Subparagraph (d) addresses sexual abuse; subparagraph (e) addresses physical abuse.

*Yukon: [Child and Family Services Act, SY 2008, c 1.](#)*

#### **Duty to Report**

**Art. 22(1)** A person who has reason to believe that a child is in need of protective intervention shall immediately report the information on which they base their belief to a director or peace officer.

*\*See, [Victims of Violence Research Library - Duty to Report Abuse - http://www.victimsofviolence.on.ca/research-library/duty-to-report-abuse/](#)*

#### Internet Service Provider Mandatory Reporting

Bill C-22, [an Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service](#), requires those who provide Internet services to the public to:

- Report tips they receive regarding Web sites where child pornography may be publicly available to the Canadian Centre for Child Protection; and
- Notify police and safeguard evidence if they believe that a child pornography offence has been committed using an Internet service that they provide.

#### ▪ **Obligations of Educational Institutions**

*Encompassed by reporting requirements above*

#### ▪ **Prohibition to hold certain positions**

[Criminal Code](#)

##### **Order of prohibition**

**Art. 161 (1)** When an offender is convicted, or is discharged on the conditions prescribed in a probation order under section 730, of an offence referred to in subsection (1.1) in respect of a person who is under the age of 16 years, the court that sentences the offender or directs that the accused be discharged, as the case may be, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, shall consider making and may make, subject to the conditions or exemptions that the court directs, an order prohibiting the offender from:

(a) attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;

(a.1) being within two kilometres, or any other distance specified in the order, of any dwelling-house where the victim identified in the order ordinarily resides or of any other place specified in the order;

(b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of 16 years;

(c) having any contact — including communicating by any means — with a person who is under the age of 16 years, unless the offender does so under the supervision of a person whom the court considers appropriate; or

(d) using the Internet or other digital network, unless the offender does so in accordance with conditions set by the court.

- **Criminal Law – Defamation**

[Criminal Code](#)

**Art. 298**

A defamatory libel is matter published, without lawful justification or excuse, that is likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or that is designed to insult the person of or concerning whom it is published.

Sexual Offenses Against Children

[Criminal Code](#)

**Sexual interference**

**Art. 151** Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years

- (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
- (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

**Invitation to sexual touching**

**Art. 152** Every person who, for a sexual purpose, invites, counsels or incites a person under the age of 16 years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of 16 years,

- (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
- (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

**Sexual exploitation**

**Art. 153 (1)** Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who

- (a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or
- (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.

**Punishment**

**(1.1)** Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
- (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

**Inference of sexual exploitation**

**(1.2)** A judge may infer that a person is in a relationship with a young person that is exploitative of the young person from the nature and circumstances of the relationship, including



- (a) the age of the young person;
- (b) the age difference between the person and the young person;
- (c) the evolution of the relationship; and
- (d) the degree of control or influence by the person over the young person.

#### **Bestiality in presence of or by child**

**Art. 160 (3)** Despite subsection (1), every person who commits bestiality in the presence of a person under the age of 16 years, or who incites a person under the age of 16 years to commit bestiality,

- (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
- (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

#### **Definition of *child pornography***

**Art. 163.1 (1)** In this section, *child pornography* means

- (a) photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
  - (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
  - (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
- (b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
- (c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
- (d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

#### **Making child pornography**

**(2)** Every person who makes, prints, publishes or possesses for the purpose of publication any child pornography is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year.

#### **Distribution, etc. of child pornography**

**(3)** Every person who transmits, makes available, distributes, sells, advertises, imports, exports or possesses for the purpose of transmission, making available, distribution, sale, advertising or exportation any child pornography is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year.

#### **Possession of child pornography**

**(4)** Every person who possesses any child pornography is guilty of  
**(a)** an indictable offence and is liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of one year; or



(b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

#### **Accessing child pornography**

**(4.1)** Every person who accesses any child pornography is guilty of

(a) an indictable offence and is liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

#### **Interpretation**

**(4.2)** For the purposes of subsection (4.1), a person accesses child pornography who knowingly causes child pornography to be viewed by, or transmitted to, himself or herself.

#### **Aggravating Factor**

**(4.3)** If a person is convicted of an offence under this section, the court that imposes the sentence shall consider as an aggravating factor the fact that the person committed the offence with intent to make a profit.

#### **Warrant of seizure**

**Art. 164.1 (1)** If a judge is satisfied by information on oath that there are reasonable grounds to believe that there is material — namely, child pornography as defined in section 163.1, a voyeuristic recording, an intimate image or an advertisement of sexual services as defined in 164(8) or computer data as defined in subsection 342.1(2) that makes child pornography, a voyeuristic recording, an intimate image or an advertisement of sexual services available — that is stored on and made available through a computer system as defined in subsection 342.1(2) that is within the jurisdiction of the court, the judge may order the custodian of the computer system to (a) give an electronic copy of the material to the court; (b) ensure that the material is no longer stored on and made available through the computer system; and (c) provide the information necessary to identify and locate the person who posted the material.

#### **Parent or guardian procuring sexual activity**

**Art. 170** Every parent or guardian of a person under the age of 18 years who procures the person for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year.

#### **Householder permitting prohibited sexual activity**

**Art. 171** Every owner, occupier or manager of premises, or any other person who has control of premises or assists in the management or control of premises, who knowingly permits a person under the age of 18 years to resort to or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year.

#### **Making sexually explicit material available to child**

**Art. 171.1 (1)** Every person commits an offence who transmits, makes available, distributes or sells sexually explicit material to

(a) a person who is, or who the accused believes is, under the age of 18 years, for the purpose of facilitating the commission of an offence with respect to that person under subsection 153(1), section 155, 163.1, 170, 171 or 279.011 or subsection 279.02(2), 279.03(2), 286.1(2), 286.2(2) or 286.3(2);

(b) a person who is, or who the accused believes is, under the age of 16 years, for the purpose of facilitating the commission of an offence under section 151 or 152, subsection 160(3) or 173(2) or section 271, 272, 273 or 280 with respect to that person; or

(c) a person who is, or who the accused believes is, under the age of 14 years, for the purpose of facilitating the commission of an offence under section 281 with respect to that person.

#### Punishment

**(2)** Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of six months; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

#### Luring a child

**Art. 172.1 (1)** Every person commits an offence who, by a means of telecommunication, communicates with

(a) a person who is, or who the accused believes is, under the age of 18 years, for the purpose of facilitating the commission of an offence with respect to that person under subsection 153(1), section 155, 163.1, 170, 171 or 279.011 or subsection 279.02(2), 279.03(2), 286.1(2), 286.2(2) or 286.3(2);

(b) a person who is, or who the accused believes is, under the age of 16 years, for the purpose of facilitating the commission of an offence under section 151 or 152, subsection 160(3) or 173(2) or section 271, 272, 273 or 280 with respect to that person; or

(c) a person who is, or who the accused believes is, under the age of 14 years, for the purpose of facilitating the commission of an offence under section 281 with respect to that person.

#### Punishment

**(2)** Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

#### Agreement or arrangement – sexual offence against child

**Art. 172.2 (1)** Every person commits an offence who, by a means of telecommunication, agrees with a person, or makes an arrangement with a person, to commit an offence

(a) under subsection 153(1), section 155, 163.1, 170, 171 or 279.011 or subsection 279.02(2), 279.03(2), 286.1(2), 286.2(2) or 286.3(2) with respect to another person who is, or who the accused believes is, under the age of 18 years;

(b) under section 151 or 152, subsection 160(3) or 173(2) or section 271, 272, 273 or 280 with respect to another person who is, or who the accused believes is, under the age of 16 years; or

(c) under section 281 with respect to another person who is, or who the accused believes is, under the age of 14 years.

**Punishment**

- (2) Every person who commits an offence under subsection (1)
- (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
  - (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

**Sexual assault**

- Art. 271** Everyone who commits a sexual assault is guilty of
- (a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
  - (b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

**Sexual assault with a weapon, threats to a third party or causing bodily harm**

- Art. 272** Every person commits an offence who, in committing a sexual assault,
- (a) carries, uses or threatens to use a weapon or an imitation of a weapon;
  - (b) threatens to cause bodily harm to a person other than the complainant;
  - (c) causes bodily harm to the complainant; or
  - (d) is a party to the offence with any other person.

**Punishment**

- (2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable
- (a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for a term not exceeding 14 years and to a minimum punishment of imprisonment for a term of
    - (i) in the case of a first offence, five years, and
    - (ii) in the case of a second or subsequent offence, seven years;
  - (a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding 14 years and to a minimum punishment of imprisonment for a term of four years; and
  - (a.2) if the complainant is under the age of 16 years, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years; and
  - (b) in any other case, to imprisonment for a term not exceeding fourteen years.

**Aggravated sexual assault**

- Art. 273 (1)** Everyone commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant.
- (2) Every person who commits an aggravated sexual assault is guilty of an indictable offence and liable
- (a) if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of
    - (i) in the case of a first offence, five years, and

- (ii) in the case of a second or subsequent offence, seven years;
- (a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (a.2) if the complainant is under the age of 16 years, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years; and
- (b) in any other case, to imprisonment for life.

#### **Trafficking of a person under the age of eighteen years**

**Art. 279.011 (1)** Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person under the age of eighteen years, or exercises control, direction or influence over the movements of a person under the age of eighteen years, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable

- (a) to imprisonment for life and to a minimum punishment of imprisonment for a term of six years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or
- (b) to imprisonment for a term of not more than fourteen years and to a minimum punishment of imprisonment for a term of five years, in any other case.

#### **Consent**

**(2)** No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

#### **Material benefit – trafficking**

**Art. 279.02 (1)** Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.01(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

#### **Material benefit – trafficking of person under 18 years**

**(2)** Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.011(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of two years.

#### **Withholding or destroying documents – trafficking**

**Art. 279.03 (1)** Everyone who, for the purpose of committing or facilitating an offence under subsection 279.01(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status – whether or not the document is of Canadian origin or is authentic – is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.

#### **Withholding or destroying documents – trafficking of person under 18 years**

**(2)** Everyone who, for the purpose of committing or facilitating an offence under subsection 279.011(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status – whether or not the document is of Canadian origin or is authentic – is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of one year.

**Obtaining sexual services for consideration from person under 18 years**

**Art. 286 (2)** Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person under the age of 18 years is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of

- (a) for a first offence, six months; and
- (b) for each subsequent offence, one year.

**Material benefit from sexual services provided by person under 18 years**

**Art. 286.2 (2)** Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 286.1(2), is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of two years.

**Procuring – person under 18 years**

**Art. 286.3 (2)** Everyone who procures a person under the age of 18 years to offer or provide sexual services for consideration or, for the purpose of facilitating an offence under subsection 286.1(2), recruits, holds, conceals or harbours a person under the age of 18 who offers or provides sexual services for consideration, or exercises control, direction or influence over the movements of that person, is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of five years.

[Criminal Code](#)

**Sex Offender Registration**

Order to Comply with the Sex Offender Information Registration Act

**Art. 490.012 (1)** When a court imposes a sentence on a person for an offence referred to in paragraph (a), (c), (c.1), (d), (d.1) or (e)<sup>2</sup> of the definition *designated offence* in subsection 490.011(1) or renders a verdict of not criminally responsible on account of mental disorder for such an offence, it shall make an order in Form 52 requiring the person to comply with the [Sex Offender Information Registration Act](#) for the applicable period specified in section 490.013.

(2) When a court imposes a sentence on a person for an offence referred to in paragraph (b) or (f) of the definition *designated offence* in subsection 490.011(1), it shall, on application of the prosecutor, make an order in Form 52 requiring the person to comply with the [Sex Offender Information Registration Act](#) for the applicable period specified in section 490.013 if the prosecutor establishes beyond a reasonable doubt that the person committed the offence with the intent to commit an offence referred to in paragraph (a), (c), (c.1), (d), (d.1) or (e) of that definition.

(3) When a court imposes a sentence on a person for a designated offence in connection with which an order may be made under subsection (1) or (2) or renders a verdict of not criminally responsible on account of mental disorder for such an offence, it shall, on application of the prosecutor, make an order in Form 52 requiring the person to comply with the [Sex Offender Information Registration Act](#) for the applicable period specified in section 490.013 if the prosecutor establishes that

---

<sup>2</sup> Paragraphs (a), (c), (c.1), (d), (d.1) and (e) include all of the sexual offenses against children outlined in articles 151-286 above.

(a) the person was, before or after the coming into force of this paragraph, previously convicted of, or found not criminally responsible on account of mental disorder for, an offence referred to in paragraph (a), (c), (c.1), (d), (d.1) or (e) of the definition *designated offence* in subsection 490.011(1) or in paragraph (a) or (c) of the definition *designated offence* in section 227 of the [National Defence Act](#);

(b) the person was not served with a notice under section 490.021 or 490.02903 or under section 227.08 of the [National Defence Act](#) in connection with that offence; and

(c) no order was made under subsection (1) or under subsection 227.01(1) of the [National Defence Act](#) in connection with that offence.

(4) If the court does not consider the matter under subsection (1) or (3) at that time, the court

(a) shall, within 90 days after the day on which it imposes the sentence or renders the verdict, set a date for a hearing to do so;

(b) retains jurisdiction over the matter; and

(c) may require the person to appear by closed-circuit television or any other means that allows the court and the person to engage in simultaneous visual and oral communication, as long as the person is given the opportunity to communicate privately with counsel if they are represented by counsel.

#### [Tougher Penalties for Children Act](#)

2. Paragraphs 151(a) and (b) of the Criminal Code are replaced by the following:

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

3. Paragraphs 152(a) and (b) of the Act are replaced by the following:

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

4. Paragraphs 153(1.1) (a) and (b) of the Act are replaced by the following:

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

14. Paragraphs 271(a) and (b) of the Act are replaced by the following:

(a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16 years, to imprisonment for a term

of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

15. Paragraph 272(2) (a.2) of the Act is replaced by the following:

(a.2) if the complainant is under the age of 16 years, to imprisonment for life and to a minimum punishment of imprisonment for a term of five years; and