

## SEXUALLY EXPLICIT CONTENT & THE LAW

### Internet child exploitation is the sexual abuse of children.

Real children in the offline world have been abused sexually, emotionally and physically in order to make and facilitate child abuse media. The term “child sexual abuse images” and “child abuse images” as opposed to “child pornography” more accurately reflects the abuse of children/youth in these circumstances. Child abuse media includes sexual material that is visual, audio or text.

### Sexual Abuse Images & the *Criminal Code* – Child Pornography

- Sexual images may meet the legal definition of child pornography if the individual in the picture/video meets the following criteria:
  - is under the age of 18 or *looks* under the age of 18
  - is engaged in a sexual act; or
  - shows a sexual organ/anal region for a sexual purpose.

This includes taking and sending a sexual picture/video of oneself.

- Making child pornography is illegal.
- Accessing, distributing or posting a child pornographic image is illegal.
- Once a sexually explicit image is distributed, the individuals who receive it may be in possession of child pornography, which is illegal.
- Keeping or saving (i.e., storing) child pornography on any type of device (e.g., a computer, phone, cloud) is possession and is illegal.

**A person cannot consent to any *Criminal Code* offence related to child pornography.**

### Sexual Abuse Images & the *Criminal Code* – Intimate Images

- As of March 9, 2015, there are additional *Criminal Code* offences that address “intimate images” that do not meet the definition of child pornography (i.e., the person/people in these photos do not have to be under the age of 18 years old).
- An intimate image is a visual recording where the person is:
  - nude; or
  - exposing genitals/anal region/ breasts; or
  - engaged in explicit sexual activity; and
  - the person has an expectation of privacy.

**Distributing/posting/making available an intimate image of a person without his/her consent is illegal.**

## Sexting

- Sexting is the use of technology (e.g., cell phone, webcam, website or apps) to send and receive messages with sexual content.

<p><b>Sexting is a way to:</b></p> <ul style="list-style-type: none"> <li>- explore ones sexuality</li> <li>- express or prove intimacy/love/commitment</li> <li>- flirt/attract attention from someone special</li> <li>- show trust</li> <li>- feel safer than “real” sex</li> <li>- test boundaries</li> </ul>	<p><b>Sexting can also be used to:</b></p> <ul style="list-style-type: none"> <li>- bully/humiliate</li> <li>- threaten, blackmail (sometimes called “sextortion”)</li> <li>- get revenge</li> </ul>
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**Many people are pressured into sexting by others.**

## Cyberbullying

- Cyberbullying includes any use of technology (e.g. emails, text messages) intended to hurt, harass, embarrass, humiliate or intimidate another person (e.g., spread rumours, post insults, pressure to send sexual images/messages).
- Depending on the nature of the incident(s) and the age of the person involved, cyberbullying may cross the line to abusive or criminal, including a message/content that:
  - is indecent/obscene in nature
  - constitutes “hate material”
  - is knowingly false
  - impersonates someone
  - harasses
  - threatens
  - creates fear
  - counsels suicide

**Involvement of police and/or a child protection agency is required.**

- Police will decide whether or not they will get involved in a case when sexual images (photos and/or videos) have been shared.
- It is unlikely for the police to be involved if all of the circumstances below apply:
  - The age of all parties involved falls within the legal age of consent;
  - The person freely chose to create the image;
  - There is consent between both individuals to send the image;
  - There were no threats/blackmail involved;
  - There is no physical or sexual abuse or assault depicted; and
  - The image remains private between the person who made it and the person to whom it was sent.