

The Canadian Criminal Code

APPLICATIONS FOR ABUSE AND NEGLECT

EMOTIONAL MALTREATMENT OFFENCES AGAINST CHILDREN/YOUTH

- Section 172: CORRUPTING CHILDREN
- Prohibits the morals of a child to be endangered by adultery, sexual immorality, habitual drunkenness or other forms of vice, rendering the home an unfit place for the child.
- **Maximum Penalty:** Indictable: **2 years**

- Section 264: CRIMINAL HARASSMENT
- Prohibits a person to engage in conduct which causes the other person to fear for their safety or the safety of anyone known to them, including repeatedly communicating with, watching, besetting or threatening another person
- **Maximum Penalty:** Dual: Summary and/or indictable: **5 years**

PHYSICAL ABUSE AND NEGLECT OFFENCES AGAINST CHILDREN/YOUTH

- Section 215: DUTY OF PERSONS TO PROVIDE NECESSARIES
- It is unlawful to fail to provide the necessities of life for a child under 16 years of age
- **Maximum Penalty:** Dual: Summary and/or indictable: **2 years**

- Section 218: ABANDONING A CHILD
- Prohibits unlawful abandoning or exposing to risk without protecting a child under the age of 10 so its life is endangered or its health will be permanently injured
- **Maximum Penalty: Dual: Summary and/or indictable: 2 years**

- Section 222: HOMICIDE
- Prohibits a person from causing the death of a human being
 1. by means of an unlawful act
 2. by criminal negligence
 3. by causing that human being, by threats of fear of violence or by deception to do anything that causes his death or
 4. prohibits homicide by willfully frightening that human being (child)
- **Maximum Penalty: Indictable: Life**

- Section 265: ASSAULT
- Defines assault

- Section 266: ASSAULT
- Prohibits the use of intended force or threats of force
- **Maximum Penalty: Dual: Summary and/or indictable: 5 years**

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- Section 267: ASSAULT WITH A WEAPON OR CAUSING BODILY HARM
- Prohibits the carrying, use of or the threat to use a weapon for the purposes of assault
- Prohibits bodily harm as defined by any hurt or injury that interferes with health or comfort
- **Maximum Penalty: Indictable: 10 years**

- Section 268: AGGRAVATED ASSAULT
- Prohibits assaults that wounds, maims, disfigures or endangers the life of the complainant
- **Maximum Penalty: Indictable: 14 years**

- Section 269: UNLAWFULLY CAUSING BODILY HARM
- Prohibits the unlawful cause of bodily harm
- **Maximum Penalty: Indictable: 10 years**

- Section 43: CORRECTION OF A CHILD BY FORCE
- Allows physical force on children if it is reasonable and used for corrective purposes by a parent or someone acting in the role of parent (can be used as defence)
- **Maximum Penalty: Indictable: 10 years**

SEXUAL OFFENCES AGAINST CHILDREN/YOUTH

- Section 150.1: CONSENT NO DEFENCE
- Children under 14 are unable to consent to sexual acts; therefore consent cannot be used as a defence
- Consent is not a defence when the victim is under the age of 18 and the accused is in a position of trust or authority over the victim or if the victim is dependent upon the accused
- Consent as a defence is allowed if there are less than 2 years of age between the victim and the accused and there is no position of trust and/authority

- Section 151: SEXUAL INTERFERENCE
- Prohibits touching for a sexual purpose, a child under 14 years with any part of the body or with an object
- A youth under 14 years cannot be convicted of this offence unless he/she is in a position of trust or authority in relation to the child – e.g. a baby-sitter
- **Maximum Penalty: Summary: \$2,000 or six months in jail or both.
Indictable: 10 years**

- Section 152: INVITATION TO SEXUAL TOUCHING
- Prohibits a person from inviting or encouraging any child under 14 years old to touch sexually him/her or any other person
- A youth under 14 years cannot be convicted of this offence unless he/she is in a position of trust or authority in relation to the child – e.g. a baby-sitter

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- **Maximum Penalty: Summary: \$2,000 or six months in jail or both.
Indictable: 10 years**

- Section 153: SEXUAL EXPLOITATION OF A YOUNG PERSON
- Protects boys and girls 14-17 years old from sexual exploitation by someone in a position of trust or authority over them, or with whom they are in a dependent relationships
- **Maximum Penalty: \$2,000 fine or six months in jail or both. Indictable: 5 years**

- Section 155: INCEST
- Prohibits sexual intercourse between specific family members related by blood
- **Maximum Penalty: Indictable: 14 years**

- Section 159: ANAL INTERCOURSE
- Is illegal if either partner is under the age of 18 years
- Is illegal if consent is obtained by force, threats, fear or bodily harm or misrepresentations of the act; age of consent is 18 years
- Is not a crime if both parties are husband and wife
- **Maximum Penalty: \$2,000 fine or six months in jail or both.
Indictable: 10 years**

- Section 160: BESTIALITY
- Offences as related to children
- Prohibits bestiality in the presence of a child under the age of 14 years
- Encouraging a child under 14 to have any sexual activity with an animal
- **Maximum Penalty: \$2,000 fine or six months in jail or both.
Indictable: 10 years**

- Summary 163: CORRUPTING MORALS: Obscenity Provisions
- Prohibits any obscene written matter, picture, model, record, crime – that is to be published and distributed
- **Maximum Penalty: Indictable: 2 years**

- Summary 170: PARENT OR GUARDIAN PROCURING SEXUAL ACTIVITY
- Protects children under 18 years from parents who use them for sexual activity with other persons
- **Maximum Penalty: Indictable: 2 years (if child is 14-17)
5 years (if child is under 14)**

- Section 171: HOUSEHOLDER PERMITTING SEXUAL ACTIVITY
- Covers any sexual activity prohibited under the Criminal Code in a place owned, occupied or managed by the householder
- **Maximum Penalty: Indictable: 2 years (if child is 14-17)
5 years (if child is under 14)**

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- Section 173(1): INDECENT ACTS
- Performing an indecent act in a public place with intent to insult or offend any person
- Prohibits indecent exposure to someone 14 years of age or over
- **Maximum Penalty: Summary: \$2,000 fine or six months in jail or both**

- Section 173(2): EXPOSURE
- Prohibiting exposure of genitals for sexual purposes to a child under 14 years of age
- **Maximum Penalty: Summary: \$2,000 fine or six months in jail or both**

- Section 179: VAGRANCY
- An attempt to keep convicted offenders away from places where they may be tempted to commit abusive acts – playground, school, public park or bathing area
- **Maximum Penalty: Summary: \$2,000 fine or six months in jail or both**

- Section 212(2): LIVING OFF AVAILS OF CHILD PROSTITUTION
- Prohibits individuals from living off the avails of prostitution of a child under 18 years of age
- **Maximum Penalty: Indictable: 14 years**

- Section 212(4): ATTEMPTING TO OBTAIN THE SEXUAL SERVICES OF A CHILD
- Prohibits individuals from obtaining or attempting to obtain sexual services from a person under 18 years of age
- **Maximum Penalty: Indictable: 5 years**

- Section 271: SEXUAL ASSAULT
- Prohibits forceful sexual contact without consent
- If complainant is under 14 years, consent is no defence
- **Maximum Penalty: Dual: Summary: \$2,000 fine or six months in jail and/or Indictable: 10 years**

- Section 272: SEXUAL ASSAULT WITH A WEAPON – THREATS BY A THIRD PARTY OR CAUSING BODILY HARM
- Sexual assault using these types of force are considered to be more serious
- **Maximum Penalty: Indictable: 14 years**

- Section 273: AGGRAVATED SEXUAL ASSAULT
- In committing sexual assault, the perpetrator wounds, maims, disfigures or endangers another's life
- **Maximum Penalty: Indictable: Life**