



## **WHAT IS CHILD PORNOGRAPHY?**

Perhaps you sometimes visit porn sites. So as not to commit an offence associated with child pornography, you must avoid accessing images or films that show a person who is or is depicted as being under the age of 18.

Child pornography is a crime that was added to the *Criminal Code* fairly recently and has quickly grown in significance since the advent of the Internet.

The relevant provisions are contained in PART V of the *Criminal Code*, under sections 163.1 and following.

Child pornography involves several elements. Primarily, it involves photographs, videos or films that show persons who are or are depicted as being under the age of 18 and are engaged in explicit sexual activities or it involves photographs, videos or films that expose the sexual organs or anus of a person under the age of 18 for a sexual purpose. For example, a photograph that shows two partially clothed people having sex, one of whom is under the age of 18, is a crime.

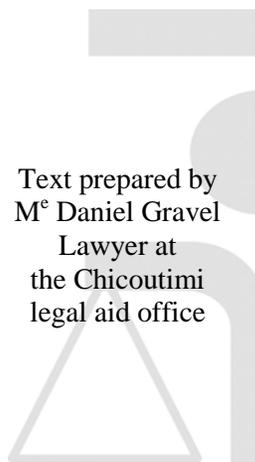
Written materials and audio recordings that present sexual activities with minors and whose dominant purpose is sexual also constitute an offence under the law, although this type of situation is probably less known to the general public.

In other words, any means of communication that exploits the sexual activities of minors may lead to criminal charges. Producing, distributing and possessing child pornography as well as accessing child pornography all constitute offences.

The *Criminal Code* prescribes a minimum prison sentence of six months and up, but the court can impose more than the minimum sentence, where warranted. The court can also impose orders, some of which are mandatory and others are at the discretion of the judge, including the collection of samples of bodily substances for DNA analysis, registration in the sex offender registry and the seizure of property used to commit the offence as well as an order under section 161 of the *Criminal Code* prohibiting contact with persons under the age of 18.

Clearly, sentences for child pornography are severe and are intended to dissuade, so as to protect young people under the age of 18.

Don't forget! Ignorance of the law is no excuse!



Text prepared by  
M<sup>e</sup> Daniel Gravel  
Lawyer at  
the Chicoutimi  
legal aid office

### **Contact Us**

Commission des  
services juridiques  
Communications Department  
2 Complexe Desjardins  
East Tower  
Suite 1404  
P.O. Box 123  
Succursale Desjardins  
Montreal, Québec  
H5B 1B3

Telephone: 514-873-3562  
Fax: 514-873-7046

[www.csj.qc.ca](http://www.csj.qc.ca)

\* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.