

# CHILD PORNOGRAPHY

**IN CANADA,  
CHILD  
PORNOGRAPHY  
REFERS TO:**



a picture



a video



or another  
visual  
representation

...that shows a person under 18 **engaged in intimate sexual activity**

OR

...that depicts a **sexual organ or the anal region** of a person under 18. To qualify as child pornography, the depiction of a sexual organ or anal region must be the **dominant characteristic** of the image or recording, and the depiction must be for a **sexual purpose**.

Creating, possessing, and distributing child pornography are all criminal offences in Canada. If you are under 18, it is illegal for another person to be in possession of a naked or sexually explicit picture of you, even if you consent to it.

## THERE ARE A FEW **EXCEPTIONS** TO THIS LAW:



If you are under 18, it is legal for you to take a photo or video of yourself and your partner engaged in **lawful and consensual** sexual activity, as long as (1) you **both agreed** to the recording; (2) it was **created together**, and (3) you keep the image or video **private** between the two of you.



Visual material depicting only **casual sexual contact**, like touching, kissing, or hugging, is considered legal since these are not depictions of nudity or intimate sexual activity.



Visual material that is **not for a sexual purpose** – like pictures of naked kids playing in the bath, for example – **may** be considered legal. The context of the material is very important.



Material made for an artistic, educational, scientific, or medical reason, **may** be accepted by the courts as well. Again, the context of the material is very important.

**Possessing and distributing child pornography is a very serious criminal offence.**

-You can be charged with this offence even if you are under 18 yourself.

-In theory, you could also be charged for distributing child pornography even if you are the one depicted in the photo (though this has not happened in Canada as far as we know). When a naked photo or sexual video goes beyond your own private use, it is child pornography, and it cannot be lawfully possessed or shared.



*Disclaimer: The information in this infographic is legal information only; if you are in trouble, you should speak to a lawyer.*