



## CHILD PORNOGRAPHY AND SOCIAL MEDIA TIP SHEET

### Scenario #1:

Student 1 and Student 2, both 15 years old, are in a relationship. Student 1 sends a nude image of him/herself to Student 2. At this point there is no criminal offence.

However:

### Scenario #2:

If Student 2 shows the nude image to Student 3 or emails or by text attachment sends the nude image to Student 4, Student 2 has committed the offence of **Distribute Child Pornography**. If Student 4 keeps it (except for the purpose of reporting it to the police), Student 4 has committed the offence of **Possession of Child Pornography** if he/she knew or should have known the person in the image is under the age of 18 years.

And further that:

### Scenario #3:

If Student 3 and Student 4 start sending the images to all their friends, every friend who receives the image and sends it to another student has committed the offence of **Distribute Child Pornography**. Anyone that keeps it (except for the purpose of reporting it to the police), and who knew or ought to have known the person in the image is under the age of 18 years, has committed the offence of **Possession of Child Pornography**.

And finally:

### Scenario #4:

Student 1, Student 2 and Student 3 all attend the same school. Student 1 takes nude images of him/herself or a sexual body part and then sends the image to Student 2 and Student 3. Student 2 and Student 3 did not want the images and tells Student 1 to stop, but Student 1 sends more images. Student 1 has committed the offence of **Make/Distribute Child Pornography and Criminal Harassment**.

### Summary:

A nude or partially nude image taken of a person under the age of 18 years, for a sexual purpose, is considered Child Pornography. Therefore, any person who comes into possession of nude or partially nude images of a person under the age of 18 years is in **Possession of Child Pornography**. In Canadian Law it is illegal to possess Child Pornography therefore; police have the authority to seize any device that received that nude image, including cell phones.

Even though you are a Young Person within the meaning of the Youth Criminal Justice Act, all of the offences listed above are criminal offences and you could be charged. In addition if you are charged and convicted as an adult, you could be entered into the Ontario Sex Offender Registry for at least 10 years.

If you are the recipient of a nude image of another student under the age of 18 years old, contact the police and report the incident to your parents, teacher or guidance counselor. You will not be charged if the sole reason for keeping the image is for the purpose of reporting it to the police.

**Remember**, when an image is posted or distributed on the Internet that image remains on the Internet forever. If you post an image you risk making it accessible to anyone who wishes to sexually exploit children. **THINK ABOUT IT!**