

## Child Protection Facts and Resource Document

Criminal Code, Indemnification, Professional Standards, "Diverse Gender Offenders",  
Pornography, Child Exploitation

### Criminal Code

#### Sections of the Criminal Code

##### Section 163.1

(1) In this section, child pornography means

- (a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
  - (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
  - (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years;
- (b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act;
- (c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
- (d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act. Making child pornography

(2) Every person who makes, prints, publishes or possesses for the purpose of publication any child pornography is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year. Distribution, etc. of child pornography

(3) Every person who transmits, makes available, distributes, sells, advertises, imports, exports or possesses for the purpose of transmission, making available, distribution, sale, advertising or exportation any child pornography is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year. Possession of child pornography (eg Book: It's Perfectly Normal - Animated/Cartoon Pornography<sup>5</sup>) (4) Every person who possesses any child pornography is guilty of

- (a) an indictable offence and is liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of one year; or
- (b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.

In addition, encouraging minors to masturbate is a criminal offense according to section 152 of the Criminal Code of Canada.

#### **Section 152:**

Every person who, for a sexual purpose, invites, counsels or incites a person under the age of 16 years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of 16 years,

- (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or
- (b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of 90 days.

#### **Section 171.1**

- (1) Every person commits an offence who transmits, makes available, distributes or sells sexually explicit material to
  - (a) a person who is, or who the accused believes is, under the age of 18 years, for the purpose of facilitating the commission of an offence under subsection 153(1), section 155, 163.1, 170 or 171 or subsection 212(1), (2), (2.1) or (4)...

## The Canadian Center for Child Protection

Defines a non-contact sexual abuse as:

- Encouraging a child to masturbate or watch others masturbate
- Exposing a child to individuals engaging in sexually explicit acts (including exposure to adult pornography)
- Exposing a child to child sexual abuse material

## How Viewing Pornography and Sexually Explicit Material Affects Minors

Pornography is not reality. It creates confusing expectations, attitudes, and beliefs about what to expect in a healthy sexual interaction. Pornography makes sexual violence seem okay, that being aggressive will get you what you want and that “no” means “yes.” Pornography reinforces gender stereotypes such as guys call all the shots and girls are meant to be used for a sexual purpose.

Exposure to sexually explicit material may:

- Lead a child to normalize and become desensitized to high-risk behaviour.
- Blur boundaries and increase a child’s risk of victimization.
- Prematurely sexualize a child.
- Interfere with a child’s healthy sexual development.
- Incite a child to experiment with sexually explicit behaviour to make sense of it.
- Shape a child’s expectations in relationships. It portrays people as objects; a thing to be used and not as a person.
- Shape a child’s expectations of physical appearances and certain sexual acts.
- Increase a child’s health risks (i.e. sexually transmitted infections, sexual exploitation, etc.).
- Increase a child’s risk of problematic sexual behaviour against other children in an effort to experiment.

## Corrections Canada Government Report Gender Diverse Inmates

### Gender Diverse Offenders with a History of Sexual Offending

Almost two-thirds (64%) of these offenders committed a current sexual offence while 88% were convicted for prior sex offences. Almost all (94%) had committed their offences while living as their biological sex. The majority (85%) committed offences that caused death or serious harm to their victim(s) while 70% inflicted psychological harm on their victim(s). Examination of the victimology shows that over half were children (58%) or female (55%). One-third (33%) of the offences committed had multiple victims. See the [Research Stats](#) at a Glance.

File review indicated that 70% of the offenders with sex offence histories had experienced childhood abuse and 27% were abused in adulthood. Childhood sexual (64%) and physical (52%) abuse were most commonly experienced by these offenders. Two-thirds (64%) had experienced trauma. For offenders with DFIA-R information, 60% had a history of childhood abuse. [Read more.](#)

## Surge in Child Pornography in Canada

The Kelowna RCMP recently launched a [Child Exploitation Unit](#) due to a big surge in child pornography. There can be no doubt that there is a correlation between the campaign to normalize Drag Queens having access to children and the over-sexualizing of children in our education system through the radical LGBTQ sex activist's agenda. These campaigns are breaking down societal norms and a child's ability to recognize predators.

## Indemnification

**School Acts may vary by province, but every citizen must abide by the criminal code including, but not limited to, the following:**

- Trustees are not indemnified when an offense is in violation of the listed sections of the criminal code or if guilty of dishonesty, gross negligence, malicious or willful misconduct, or vicarious liability arising out of a tort.

## Professional Standards/Code of Conducts

May vary by province but there must be minimum standards for trustee codes of conduct to ensure consistent standards of behaviour for trustees across school boards. They should include the following:

### Integrity and Dignity of Office

- Trustees will carry out their duties faithfully, diligently and in a manner that will inspire public confidence in the ability and integrity of the Board.
- Trustees will conduct themselves in an appropriate, professional, and respectful manner when carrying out their duties.

### Civil Behaviour and Decorum

- Trustees will act with decorum and be respectful of other trustees, staff, students, partner groups and the public at all times.
- Trustees will not make remarks that disparage other members of the Board, employees of the district or recognized partner groups.
- Trustees will acknowledge the differing points of view of other Trustees, staff, students and the public and will endeavor to work with other Trustees and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.
- A standard requiring professional and respectful conduct in all interactions and forms of communication including social media.

### Decision Making

- **Trustees will keep an open mind and base decisions upon all available facts.**

## Robert's Rules of Order

<https://www.robertsrules.org/index.html>

As Chair, a skilled chairperson allows all members to voice their opinions in an orderly manner so that everyone in the meeting can hear and be heard. Following are three critical points to run a fair, efficient and democratic meeting:

- Control the meeting as servant of the group, not “boss.”
- Model and insist on courtesy and respect.
- Listen to each person speaking as if there were no one else in the room.