

SHARING AN INTIMATE IMAGE WITHOUT CONSENT

Models in image. Intended as illustrative.

If your child has shared an intimate/sexual picture or video with a person and that picture/video is being shared with others online or by phone (or your child is worried this may occur), there are steps your child can take to regain control over the situation. Canada now has a law to help deal with the non-consensual distribution of an intimate image. It is illegal for a person to distribute an “intimate image” of another person without that person’s consent. If the image involves someone under 18, it may be illegal to distribute the image regardless of whether consent was provided.

It is important to note that given the serious nature of criminal charges, it is likely that for something to be done, it will need to be clear that the person in the image is your child — for example, your child’s face or some other identifying feature is showing.

HERE ARE THE STEPS YOU CAN TAKE:

1.

If the picture/video is already online, you can take action to have it removed. Determine what service (e.g., YouTube®, Facebook®, Twitter®) the picture/video is displayed on and contact that service to request that they remove the picture/video. Let the provider know that your child is a Canadian citizen who did not post the picture/video to their site, did not give permission for the content to be posted and that you want it removed.

2.

If your child does not know whether the picture/video is online or otherwise being shared, but is worried that it might happen, or even if your child knows it is being shared and wants it to stop, your child could send a message to the person who has the picture/video saying something like:

“I do not consent to you having the picture/video of me [add description, such as “that I sent you on (DATE)”], I want you to delete it and I do not give you permission to share it with anyone else.”

Sending a message like this is important because once the person knows how your child feels, they can no longer say they didn’t know your child’s views. Your child can send a text or email, tell the person by phone or in person or have someone else communicate the message. The best way to send a message is in writing so there will be a copy of what was sent.

3.

Whether your child sent the person who has the picture/video a message or not, if your child is scared that an intimate image will be shared by someone, this law does allow you to apply to the court for something called a “prevention order.” Local courthouses have information about how to obtain a prevention order. If the judge is satisfied that your child’s fear is reasonable, the order should be granted.

Visit needhelpnow.ca for more information.

NOTE: The above information is based upon a review of the legislation. It is provided as a courtesy and for general information only. The above is NOT intended as legal advice; the non-consensual distribution of intimate images offence is a new offence and it is not possible to anticipate how the legislation will be interpreted and enforced by police and the courts.

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The safety tips and other information provided herein is intended as general information only, not as advice. Readers should assess all information in light of their own circumstances, the age and maturity level of the child they wish to protect and any other relevant factors.



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