



Just Facts

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Research and Statistics Division

Child-Related Sexual Offences Subject to a Mandatory Minimum Penalty, 2014/2015 to 2019/2020

This fact sheet presents information on criminal court cases where the most serious offence in the case is a child-related sexual offence subject to a mandatory minimum penalty (MMP).¹ Data were obtained through a request to the Canadian Centre for Justice and Community Safety Statistics (CCJCSS) and cover the period from 2014/2015 to 2019/2020.²

The legislation related to the child sexual offences subject to an MMP include: *An Act to amend the Criminal Code (protection of children and other vulnerable persons)* and the *Canada Evidence Act* (2005), the *Tackling Violent Crime Act* (2008), and the *Safe Streets and Communities Act* (2012). Most mandatory minimums for the child-related sexual offences were set in the 2005 legislative enactment, with amendments made in 2008 and 2012.

Most child-related sexual offences subject to an MMP during the period from 2014/2015 to 2019/2020 were included in the study's dataset, specifically:

- s. 151, sexual interference with a person under the age of 16 years (45% of all child-related sexual offences included in the dataset);
- s. 163.1, various child pornography offences (21%);

¹There are five offence groups subject to an MMP: firearm-related offences, child-related sexual offences, drug offences, impaired-driving offences, and other offences such as murder and treason offences.

²Please refer to the 2016 version of this JustFacts for an examination of child-related sexual offences subject to an MMP between 2000/2001 to 2013/2014. Retrieved from: <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2016/dec02.html>.





JustFacts

| 2

- s. 152, invitation to sexual touching of a person under the age of 16 years (16%);
- s. 153, sexual exploitation of a young person (8%);
- s. 172.1, internet luring of a child (7%); and,
- s. 173, exposure to a person under the age of 16 years (2%).

Other child-related sexual *Criminal Code* offences subject to an MMP (sections 160, 170, 171.1, 172.2, 279.011, 279.02, 279.03, 286.1, 286.2, and 286.3) are also included in this dataset and each made up 1% or less of all cases with a child-related sexual offence subject to an MMP.³

The number of cases⁴ with a child-related sexual offence subject to an MMP increased, but represents a small proportion of all cases involving offences subject to an MMP

The number of cases with a child-related sexual offence subject to an MMP as the most serious offence in the case increased by 13% over the course of the study period, from 2,511 in 2014/2015 to 2,830 in 2019/2020. During this six-year timeframe, cases with a child-related sexual offence subject to an MMP as the most serious offence in the case comprised 7% of all cases with an MMP (most serious in the case).

The proportion of cases with a child-related sexual offence subject to an MMP with a guilty decision⁵ remained relatively stable

Over the course of the study period, the most common type of decision in cases with a child-related sexual offence subject to an MMP was a finding of guilt. The proportion of cases with a guilty decision remained relatively stable at around 58-59%, though there was a small drop in the proportion of guilty decisions in 2018/2019 (54%).

Withdrawn decisions were the second most common type of decision in cases with a child-related sexual offence subject to an MMP from 2014/2015 to 2019/2020. The proportion of cases with a withdrawn decision has fluctuated between 18% to 23% throughout the study period.

The proportion of cases with a child-related sexual offence subject to an MMP with a guilty decision receiving a custodial sentence fluctuated but remained high

³ Four child-related sexual offences subject to an MMP, namely sections 155, 271, 272 and 273, were excluded due to data limitations.

⁴ Data are based on cases, not single offences. A case was included in the dataset only when the child-related sexual offence subject to an MMP was the most serious offence in the case.

⁵ Guilty decisions include both findings of guilt by the court and guilty pleas, since the current data do not allow for the examination of guilty pleas on their own.





JustFacts

| 3

Custody was the most common sentence⁶ for cases with a child-related sexual offence subject to an MMP with a finding of guilt during the study period, fluctuating between 90% to 95% of cases.

Custodial sentence lengths for cases with a child-related sexual offence subject to an MMP were most often short (i.e., under 1 year), though a quarter of cases received a “1 to 2 year” custodial sentence length

The median⁷ custodial sentence length for child-related sexual offences subject to an MMP saw an overall increase, from 215 (or 7 months) in 2014/2015 to 330 (or 11 months) in 2019/2020.

During the six-year study period, the majority of cases (59%) with a child-related sexual offence subject to an MMP sentenced to custody fell within the “less than 1 year” sentence length range. Specifically, the sentence length range of “over 3 to 6 months” (28% of cases), followed by the “over 6 months to 1 year” range (22%). The next most common sentence length was the “over 1 to 2 year” range (26%).

The time to case resolution fluctuated throughout the study period, but overall averaged around 1 year

The median case processing time (i.e., how long it takes for a case to be resolved)⁸ for cases with a child-related sexual offence subject to an MMP has fluctuated between 360 days (or 11.8 months) and 381 days (or 12.5 months) throughout the study period.

⁶These findings are based on the most serious sentence in a case.

⁷The median is the halfway point in a distribution of counted figures: half of all counted figures lie above the median and half of all counted figures lie below the median.

⁸The median elapsed time (in days) from a first court appearance to final decision in the case; or the sentencing date for cases that result in a finding of guilt.