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SEXUAL OFFENCES IN CANADIAN LAW

By: Hamish C. Stewart
Release No. 1, May 2025

What's New in this Update:

This release features updates to case law and commentary in Chapters 3 (Sexual Assault), Chapter 4 (Offences Involving Children), 5 (Other Sexual Offences), 6 (General Rules of Evidence), 8 (Rules Protecting the Complainant) and 10 (DNA Identification, Registration of Sexual Offenders and Prohibition Orders).

Highlights

● **Other Sexual Offences — V. Offences Related to Pornography — Child Pornography Offences — The Definition of Child Pornography** — A silicone doll, having the features of a female child was found to constitute child pornography on the basis that it was a visual depiction of a child whose dominant purpose was for sexual purposes: *Yan c. R.*, 2024 QCCA 399.

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● **General Rules of Evidence — V. Expert Evidence — Use of Expert Opinion evidence in Sexual Cases — Credibility of Complainant** — On the accused’s appeal from conviction, the Court of Appeal ordered a new trial, holding that the expert’s opinion evidence had, for two distinct reasons, been improperly admitted. First, finding that the expert’s opinion was necessary to assist the fact-finder. Second, the Court held that the manner in which the hypotheticals were posed to the expert witness improperly bolstered the complainants’ credibility: *R. v. P.J.C.*, 2025 ONCA 196.

● **DNA Identification, Registration of Sexual Offenders and Prohibition Orders — III. Registration of Sexual Offenders — Federal Legislation — Offences Committed in Canada After SOIRA Came Into Force** — Interpreting the test in s. 490.012(3)(a), that there be “no connection” between registration and the purposes of the statute, the court held that the phrase “no connection” should be read as meaning that the offender’s level of risk is no greater than that of a member of the general criminal population. *R. v. Tremblay*, 2024 BCPC 75.