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SEXUAL OFFENCES IN CANADIAN LAW By: Hamish C. Stewart Release No. 1, April 2026
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What's New in this Update:

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

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Highlights

Rules Protecting the Complainant – II. The Sexual History of the Complainant – Evidence of the Complainant’s Prior Sexual Activity Led by the Crown – The court held that evidence of the prior sexual assault was inadmissible because a complainant’s “good” reason to feel uncomfortable was irrelevant and risked engaging in stereotypical reasoning. The Court of Appeal affirmed that references to “credibility and context” should not easily bypass barriers to the admissibility of sexual activity evidence: *R. v. PE*, 2025 ABCA 272.

Other Sexual Offences – Offences of Indecency – First Mode of Commission: Committing An Indecent Act in Public – This case clarifies the definition of a “public place” for the purpose of indecent act charges under s. 173(1). The court held that a motor vehicle is a “moving conduit” that can become a public place depending on its setting. If a vehicle is situated in a way that allows visual access to the public, such as in a shopping centre parking lot, the interior can be considered a public place for the purposes of the offence: *R. v. Harpold*, 2025 SKCA 26.