

## KINSA

### Teenagers' Sexuality, Protection from Predators, and Choice: Striking the Right Balance

Currently, 14 and 15 year olds in Canada are at an unacceptable risk of victimization by adult sexual predators. Many 14 and 15 year olds are eager to enter into the world of adult relationships: they are increasingly interested in romance and sexuality. This is a normal part of the sometimes bumpy road through adolescence. Yet at the same time, these young teenagers often lack sophistication, experience and judgment. They are unable to perceive when they are being manipulated and victimized, and thus they are easy prey for adult sexual predators. These vulnerable teenagers must be protected, but not stifled, as they take their first, often uncertain steps on the necessary journey to adulthood.

Criminal legislation around teenage sexuality must be approached with caution, and balance. The proper solution must recognize that it is not the role of the state to closely regulate or dictate matters of adolescent sexuality. These issues are to a large degree private matters, and teenagers need some autonomy to make personal choices, influenced not by the law but by their own families, their own values, and their own religious or social communities. However, concern for personal autonomy must not override real threats to personal safety. Thus the focus of any new criminal law must be limited to real threats to a teenager's personal safety that are not already addressed, such as the growing threat posed by adult sexual predators. The best possible law to protect young teenagers from adult sexual predators, while according them appropriate liberty to grow into their sexual selves, must have the following characteristics.

1. The new law should retain the current provisions that protect children thirteen and under.
2. The new law should, in a preamble, recognize that recent studies have pointed to 14 and 15 year olds as those most likely to be victimized by adult sexual predators in internet luring situations.
3. The new law should recognize that 14 and 15 year olds have a right to pursue their awakening sexual development, but that that development should take place in the safety of a social environment limited to their peers in age.
4. Accordingly, the new law should make it clear that consensual sexual activity with 14 and 15 year olds is lawful only if there is no exploitation, there is no abuse of power trust or authority **and** the 14 or 15 year old's sexual partner is no more than five years older.
5. The new law should not change the current law applicable to 16 and 17 year olds. The current law says that 16 and 17 year olds can have consensual sexual relations with persons of any age, as long as those relationships involve no exploitation, or abuse of power, trust or authority.

Legislation based on these five points will have two key advantages. First, it will send a clear message to adult sexual predators: under no circumstances is it lawful for them to have sexual relations with people 15 years old and under. Second, it will send a clear message to teenagers: sexual relations with their peers are a matter of personal choice. Such a law would strike the right balance. The law intervenes only when personal safety is at risk, but otherwise leaves the difficult and sensitive question of teen sexuality where it should be: with teenagers, their families, and their communities.