

## Age of consent rises to 16

**Mother who lobbied for changes believes they will help parents protect 'at-risk' teenagers**

**Denise Ryan**

Vancouver Sun

**Monday, May 05, 2008**

The age of sexual consent in Canada has risen from 14 to 16 under a new law that is part of the Conservative government's omnibus anti-crime legislation.

For Diane Sowden of Coquitlam, changes to the Criminal Code didn't come soon enough.

When her daughter became pregnant at the age of 14 by a 27-year-old drug dealer, Sowden turned to police for help, only to discover she had no legal recourse. At 14, her daughter was considered an adult.

Although the older man was sexually involved with her daughter, introduced her to hard-core drugs and "sold" her to a pimp in Surrey over drug debts, there was technically no way to charge him with sexual exploitation.

Fifteen years later, after losing her child to a life of drug addiction and prostitution, Sowden, now 50, is raising two of her daughter's five children.

She believes changes to the law may help other parents keep at-risk children safe from the pain of a life such as the one her daughter has led, "on and off drugs, in and out of the Downtown Eastside, unable to raise her children, known to police."

As executive director of the Children of the Street Society, Sowden has lobbied for years for changes to the Criminal Code.

"I'm overwhelmed that it's happened," Sowden told The Sun. "There were times that I never thought it would."

The Tackling Violent Crime Act makes it illegal for adults to have sex with children under the age of 16. The legislation contains a "close-in-age" provision so that sexually active teens within less than five years of each other can have sex without breaking the law, as long as the older person is not in a position of authority.

The age of consent for anal sex remains unchanged at 18.



CREDIT: Bill Keay, Vancouver Sun

Diane Sowden's daughter became pregnant at 14 by a 27-year-old drug dealer.

The new "age of protection" legislation has been controversial with sexual health experts, but Sowden hopes it will deter Internet predators and pedophiles who target children, and provide parents with legal avenues to protect kids.

"The average age of young people being targeted for sexual abuse, for the sex trade and for Internet luring is 14 to 15," explained Sowden.

"In the U.S. the age of consent is 16 or 18 depending on the state. Canada has been favoured for sex tourism because of our lenient age and flagged on the Internet for the least amount of resistance from police and social workers."

The new law will take effect after Senate passage in February, and is consistent with laws in countries such as Australia, the U.K., the Netherlands and some U.S. states.

Critics have voiced concern that teens will misunderstand the law and refrain from seeking counselling, birth control or medical help in cases of unwanted pregnancy.

Legislating sexual activity may push information about sexual health underground, some youth workers and sexual health educators have argued.

But Sowden argues the benefits outweigh the risks.

"There is going to be a learning curve for police, social workers and the general public to understand it, but the intent is not to criminalize sexual activity." Nor is it about setting moral standards, said Sowden.

"This will make it easier for a parent, a social worker or a police officer to intervene when a child is at risk of being sexually exploited."

Sowden believes a law like this would have given her one more opportunity to help her daughter when problems arose.

"I was shocked that there was such a lack of intervention, that my child could be pregnant, using hard-core drugs and on the street and no one could see her as a child in need of protection under the law."

Now, "even if a child believes they have consented, and agrees to sexual activity, if the adult is five years older, they can be charged," said Sowden.

Sowden believes that educating social and youth workers, parents and kids will be of paramount importance to appropriate understanding and application of the new law.

[dryan@png.canwest.com](mailto:dryan@png.canwest.com)

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