

# Young Marriages & Related Rights

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# Agenda

Introductions – Speakers, Legal Aid & Legal Aid Clinics

Main topics:

1. Legal Marriages in Canada
2. Sexual Consent - Ages and Exploitation
3. Sexting - Consent and Criminal Law
4. Other Legal Implications (in brief) – Domestic Violence, Peace Bonds, Charges and Implications on Immigration

Additional Resources

Questions and Answers



Search ...



# Legal services for young people under 18 and homeless youth under 25 in Ontario.

## Legal Rights Wiki

I am being [expelled](#).  
The [police](#) stopped me.  
[YCJA Records](#) destruction.  
Help with [leaving home](#).  
I'm in [child protection](#) court.  
I am a [victim](#).  
I received a [ticket](#).

LEGAL RIGHTS WIKI ►

## Ask a Lawyer

Free confidential legal  
advice for youth under 18  
and homeless youth under  
25 in Ontario.

**416-920-1633**

**1-866-999-5329**

ASK US ONLINE ►

## Research & Resources

Our [Cases](#) & Decisions  
Policy & [Position](#) Papers  
Download JFCY [Publications](#)  
Our [Blog](#) Postings  
YouTube [Videos](#)  
External [Resources](#)

GO TO RESOURCES ►



# Don Valley Community Legal Services



**416-441-1764, ext 36**

## Thorncliffe Park Office

*Formerly Flemingdon Community Legal Services*

1 Leaside Park Drive, Unit 1

Toronto, ON M4H 1R1

## Gerrard Office

*Formerly East Toronto Community Legal Services*

1320 Gerrard Street East

Toronto, ON M4L 1Y9



Disclaimer: this presentation was prepared for the sole purpose of updating the community on the latest legal development. It does not constitute legal advice. For legal advice, please consult our clinic by calling our Intake Line.

# Legal Marriages (Catherine)

Provincial (mostly) – *Ontario Marriage Act*:

- Minimum age is 16
- 16 & 17 year olds need written consent from parents

Canadian / Federal (limited):

- *Marriages (Prohibited Degrees) Act* lists persons who may not marry because too closely related by blood or adoption; eg. brother & sister.
- *Marriage for Civil Purposes Act* recognizes same sex marriages and permits religious official to decline to perform a marriage that is not in accordance with their religious beliefs.

## Who can perform a marriage in Ontario?

The following persons registered with the Office of the Registrar General as a marriage officiant under the Marriage Act can perform a marriage in Ontario:

- a person duly recognized by their religious body as entitled to perform religious marriages in Ontario, or
- a person who belongs to, and is duly recognized as entitled to perform marriages by a band, First Nation, Métis or Inuit organization or community or Indigenous entity located in whole or in part in Ontario.

<https://www.ontario.ca/page/getting-married#section-0>

<https://data.ontario.ca/dataset/registered-marriage-officiants>

Tell us what you think about our data and how you're using it. [Take our survey](#)

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# Registered Marriage Officiants

[Download](#)[Data API](#)

URL: <https://data.ontario.ca/dataset/38ddc983-1bf0-4bee-ad18-07dac8cf884/resource/e010f610-c3d6-4f88-849b-6f8c11e98d9c/download/online...>

## From the dataset abstract

Registered marriage officiants in Ontario. The dataset includes: first name, last name and location of the marriage officiant affiliation a date stamp at the end indicating the date when...

Source: [Registered marriage officiants](#)

[Data Explorer](#)[Fullscreen](#)[Embed](#)[Add Filter](#)

Grid Graph Map

1 records

« 1 - 100 »

 Catherine Manson

Go »

Filters

_id	Acton	Benham	John Ja...	Western...
6825	Innisfil	Manson	Catherin...	Commun...

## **Civil marriage officiants**

The following can perform civil marriages in Ontario:


- a municipal clerk and/or their delegate authorized to perform civil marriages in Ontario
- a judge
- an Ontario case management master
- an Ontario justice of the peace

Contact your local city hall, town hall or municipal office to find out if they provide civil marriage services:

<https://www.ontario.ca/page/list-ontario-municipalities>



- Application form, fee & valid identification required
- After marriage performed, completed and signed marriage license is sent by the marriage officiant to register the marriage
- Marriage certificate will be provided

<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">Marriage Licence No.</div>			
		Office of the Registrar General <b>Marriage Licence Application</b> <i>Marriage Act - Form 3</i>	
<b>Applicant</b>		<b>Joint Applicant</b>	
		Current last name or single name	
		First and middle names	
<input type="checkbox"/> Never married <input type="checkbox"/> widowed <input type="checkbox"/> divorced		Marital status	<input type="checkbox"/> Never married <input type="checkbox"/> widowed <input type="checkbox"/> divorced
Country of divorce		If divorced	Country of divorce
City of divorce if in Canada			City of divorce if in Canada
Court file number			Court file number
Religion/Spirituality (optional)			
Age	Date of birth (yyyy/mm/dd)	Age and date of birth	Age
Province (if outside Canada, state the country)		Place of birth	Province (if outside Canada, state the country)
Last name or single name		Parent's name and place of birth	Last name or single name
First and middle names			First and middle names
Province (if outside Canada, state country)			Province (if outside Canada, state country)
Last name or single name		Parent's name and place of birth	Last name or single name
First and middle names			First and middle names
Province (if outside Canada, state country)			Province (if outside Canada, state country)
Last name or single name		Parent's name and place of birth	Last name or single name
First and middle names			First and middle names

***Isse v Said:***

## **Marriage under Sharia Law – Is it valid in Ontario?**

December 07, 2012 | By Andrew Feldstein

As stated by Judge in the case at hand, there are four necessary elements for the deeming provision in paragraph 31 to apply, namely:

- The marriage must have been solemnized in good faith;
- The marriage must have been intended to be in compliance with the *Marriage Act*;
- Neither party was under a legal disqualification to contract marriage; and
- The parties must have lived together and cohabited as a married couple after solemnization.

<https://www.separation.ca/blog/2012/december/isse-v-said-marriage-under-sharia-law-is-it-vali/>

# Domestic / Marriage Contract

Agreement on how to deal with issues, division of property, etc.

Must meet requirements of a civil contract to be valid. Basics:

- both are of a like mind - not forced or pressured into signing
- both know what they were agreeing to
- agree to be bound by the terms of the contract
- Include a certificate or waiver of Independent Legal Advice

Also:

- Can agree to cancel or change terms of contract.
- If signed by someone under 18, only “necessaries” can be enforced (eg shelter, clothes & food). Otherwise, can be declared void.
- If signed by parent, MIGHT not enforceable once person turns 18.
- Cannot include some things, Example, if separated, can't say who has custody & access of children (Best Interests test); and both have the equal right to live in home.



# Divorce – Civil and Religious

Can apply for a civil divorce if marriage has ended and:

- Living apart for more than one year
- Spouse has been physically or mentally cruel to the other, and/or
- Spouse has another relationship (adultery)

Once divorced can be married again in Civil Ceremony

BUT this does not mean you can be married in a Religious Ceremony if the religious divorce has not been granted. For Islamic marriage, need to talk to Imam about Islamic divorce.

# Children's Rights in Canada

## **United Nations Convention on the Rights of the Child (0 - 18 years of age)**

- Children's rights are human rights
- Children are entitled to recognition of their rights and respect for their dignity as individuals
- Children are not property
- Supported by adults to make own decisions, based on age and maturity





# Common Questions

## About Children & Sexual Activity

At what age can a young person consent to sexual activity? What does this mean?

What is “child exploitation”?

Who can be charged for distribution of intimate images without consent of the person in the image?



# Sexual Activity - Ages & Consent

*Criminal Code of Canada*

12 & 13 years → up to 2 years older

14 & 15 years → up to 5 years older

16 & up → any age

## EXCEPTIONS:

- Person is in a position of power or authority, eg teacher or coach
- Sexual Abuse Exploitation, eg. pornography & prostitution

Resource: <https://owjn.org/2016/08/canadian-law-and-youth-age-of-consent-to-sexual-activity/>



# Sexting / Intimate Images

**Definition:** sending messages that are meant to be sexually exciting through text, email, or social media (Facebook, Instagram, Snapchat, etc.); includes pictures and/or videos.

*Criminal Code of Canada* uses the term intimate images:  
A picture or video created in private circumstances that shows a person who is naked or semi-naked; or who is engaged in sexual activity.

**Adults over 18:** allowed to take, send, etc.  
Consent is required to share



# Sexting / Intimate Images & Under 18

Child Pornography includes intimate images of anyone who appears to be, or is, under 18 years of age. Rules: no taking, sending/sharing, saving/storing.

## EXCEPTIONS for youth under 18:

- Can create a sexual/intimate picture, text or video alone and keep it to themselves, for their own private use only.
- Can create and keep a sexual/intimate picture or video of themselves IF
  - each person voluntarily agrees to participate and be recorded
  - there is no abuse of power or exploitation between the partners
  - no unlawful sexual activity, eg age differences
  - created the intimate image together; AND
  - the intimate image stays PRIVATE between the people shown in the image.
- CAN NOT print, publish or share the pictures/video with others.

# Domestic Abuse / Violence

**Abuse / Violence:** someone hurts you or treats you badly.

**Domestic abuse:** the person who hurts you is a family member or romantic partner, eg. spouse.

**Peace bonds** under the CCC: for protection against anyone you are afraid will harm you, your family, or your property

## Charges

- Victims and accused
- Immigration status (convictions)





# Some Additional Resources

**Canadian Council of Muslim Women**

[www.ccmw.com/legal-resources](http://www.ccmw.com/legal-resources)

**Steps to Justice**

[www.stepstojustice.ca](http://www.stepstojustice.ca)

**Justice for Children and Youth**

[www.jfcy.org](http://www.jfcy.org)

**Don Valley Community Legal Services**

[www.donvalleylegal.ca/](http://www.donvalleylegal.ca/)

**Kids Help Phone – online materials and free counselling**

[www.kidshelpphone.ca](http://www.kidshelpphone.ca)

*Questions?*

