

Government Orders

I hope not, but I think we should call Alan Borovoy before this committee and find out what more he has to say about this and we should examine the clauses of the bill.

Keith Kelly, who is the distinguished director of the Canadian Conference of the Arts and the Writers Guild, is concerned about the onus of proof in the bill. I will quote what he says in *The Toronto Star* to Mr. David Vienneau, a reporter for *The Toronto Star*. Mr. Kelly says:

The defence of artistic merit exists but the burden of proof—and that is a costly burden—would rest with the person who is charged. We have some very real concerns about this.

Let us get him before the justice committee to tell us what the matter is.

I want to hear from my hon. friend from Saskatoon—Clark's Crossing who has had a private member's bill on this and has done a lot of work on it.

However let me recap as NDP justice critic. We are in favour of this bill. We are concerned about where it impinges on the artistic community and freedom of expression. Let us hear about that in the committee. We want to have an inclusive process. We want to tackle violent crime and at the same time we want to balance that with dealing with crime prevention. All too often the children, the victims of child pornography, end up being abusers themselves. We have to protect those children.

Mr. Chris Axworthy (Saskatoon—Clark's Crossing): Mr. Speaker, I am pleased to rise in support of the aims and objectives of this bill to criminalize child pornography and to make the possession of and all other activities dealing with child pornography a crime.

I would like to thank the member for Port Moody—Coquitlam and the member for Dartmouth for their support of my private member's bill. If that private member's bill had any small part to play in moving along the government then I am pleased that has happened.

It is late in the parliamentary session but I do not think that should prevent us from moving as quickly as possible on this bill. Like my colleagues who have already spoken I look forward to the passage of this bill. However I do have a couple of concerns that I would like to raise and have the government mull over. Hopefully in committee we can expeditiously deal with the issues, hear witnesses

on some of these complex points and make the bill an even better bill. I will just briefly relate each one.

One that has been raised already is the issue of the definition of child pornography. It is never easy to define these subjects in pieces of legislation. I do think that we should look very carefully at the restrictive definition which, as has already been indicated, really narrows child pornography to the depiction of explicit sexual activity.

• (1545)

I think the vast majority of Canadians would view other areas than explicit sexual activity as pornographic when children are involved. We should explore the opportunity to expand that definition. At the moment I think it is too narrow.

Another point which is worth exploring is the issue of making importation or attempted importation of child pornography a criminal offence. That is not the case under this bill. It seems to me that it is not the case under any other legislation either.

It is clearly the case that child pornography brought into Canada if apprehended by the customs officers would be confiscated, but it is not clear that anybody would be committing an offence by importing or attempting to import it. We should look at that.

Also the bill does not cover pornographic performances involving children. Perhaps we should look at that.

Last, what we have seen in Canada with regard to pornography but particularly with regard to child pornography because of the underground nature of it, is that new technology has enabled child pornography to be imported into Canada and then moved around the country very easily through the use of word processors and video recorders.

We need a process—and it was a part of my private member's bill—whereby from time to time we review the way in which child pornography is brought into Canada, produced in Canada and circulated within Canada because of the opportunities which are generated by new developments in technology. I suggest we do something like that.

While I support the government's intentions behind this bill and the thrust of it, and I know that my colleagues in the Liberal Party feel the same, there are a few things we should look at. I look forward to exploring those in the committee.