

where it could be made available to those interested. Punishment would only come if it was ever made available to minors.

In my view, anyone manufacturing, distributing, selling, or displaying any material that is harmful, violent, or degrading would be severely punished. But sexual material without violence would still be made available discreetly to those who want it. This position maintains a balance between freedom of expression, and banning harmful pornography. It maintains individual liberties, where Bill C-54 does not.

We must make a distinction here between adults and children. Any pornography or erotica involving or being made available to children must be controlled. But adults must have access to erotica, if they so wish. Individual liberties are guaranteed in the Constitution as long as they harm no one else. Individuals should have access to non-violent sexual material.

Bill C-54 gives maximum penalties of up to 10 years, with no defence available for those involved with the manufacturing, distribution, or rental of child pornography or violent pornography. Is it right to give the same penalty to the manufacturer of child porn and the man at the cornerstore who rents the material? Are police really going to arrest every video store owner who will face up to a decade in prison? I propose that there be different sentences for different levels of involvement in pornography.

Bill C-54 puts the onus on the manufacturer, distributor, or seller to prove that his or her material is not pornographic. Does this not go against our principle of presuming innocence until proven guilty? Is this not against Canada's justice system?

Under Bill C-54 materials displaying masturbation, ejaculation, or sexual intercourse are offences which attract terms of up to two years. Those materials should be discreetly displayed. Municipalities that control zoning and licencing should decide how erotica should be displayed and where it should be made available. In this way citizens will have more flexibility in deciding how they wish to deal with this material in their own towns.

Free trade also becomes an issue when one realizes that 85 per cent of the pornography is imported from the United States. Only 3 per cent of the material is made in Canada. How will we stop pornography from flooding our borders under a free trade agreement? How will we control the magazines, television programs, and the pay-TV and satellite emissions? We already have a problem controlling their access now. I ask the Government to tell the Canadian people how this will stop under free trade. We are talking about a \$12 billion to \$50 billion business. This is not something that will stamped out easily.

We welcome that portion of the Bill, Clause 3 on page 10 amending Section 281.1(4) prohibiting hate literature against an identifiable group defined by sex.

Criminal Code

So far we have seen that violent, degrading and child pornography do have profound effects on our society. We have seen that 69 per cent of Canadians reject Bill C-54. Why? Because Canadians want to prohibit pornography, but they also want access to non-violent erotica which does not involve children.

Let us go back and examine the worthy conclusions of the Fraser report. Let us examine the effect that Bill C-54 could have on cultural, artistic and literary expression in Canada. Let us not be morally subjective when dealing with this issue, but let us clearly stamp out violent and degrading material. Let us bring this legislation out of the Victorian age and back into the 1980s.

[Translation]

Mr. Speaker, I would like to mention an article that appeared in *Le Soleil*, which said that the dividing line between pornography and erotica should be defined by the Government, so that more realistic criteria could be set. The legislation creates a dilemma in that it is strict where it should be but at the same time too strict where it should not be strict at all. It is simply not attuned to the present situation in Canada.

There was also an editorial in *The Globe and Mail* on November 20, which said:

• (1640)

[English]

Bill C-54 is praiseworthy for its attack on violent pornography and the sexual exploitation of children, but it needs finetuning to allow wide public access to sex education, erotic art and expressions of human sexuality.

Creating criminal sanctions against the use and abuse of pornography is necessary today given the point to which it has infiltrated our society. But we should never forget what this material represents. It represents the anger, the frustration, the sexism and the alienation in Canadian society. Until we change people's attitudes toward sex, toward women and children, we will never get rid of the desire for violent and child pornography in Canada.

[Translation]

The Bill is unacceptable in its present form. It must be amended. We must discuss and adopt legislation to deal with violence and degradation, but we must also find another definition for pornography, because at the present time, the only positive point in this Bill is the one that concerns direct exploitation of women and children through pornography. I think the Government would do well to retain only the first part of this Bill. As for the rest of the Bill, I do not think it is worth discussing.

[English]

We need to protect children, not to be treated like children.