

19. That programs of public education are needed to create an awareness of individual as well as society's responsibility to children.

20. That conditions in which many families live with no near relatives or friends, with no ties to community institutions may be conducive to child neglect and abuse.

21. While child abuse was described by a leading authority as "psychodynamically related and having nothing to do with race, colour, creed..." the Committee also learned that certain ethno-cultural groups appear to have little or no incidence of physical abuse of their children and that this was considered by some to be attributable to the support offered by the extended family in the ethno-cultural community.

22. That in addition to community programs and services for children and families an essential ingredient is a caring attitude and philosophy on the part of every citizen.

PART III—COMMITTEE COMMENTS ON MAJOR ISSUES

Your Committee, in formulating the findings, identified a number of major issues on which varying viewpoints were expressed. Not one of these issues is easily or simply disposed of. Because of the complexities involved and because of the consequences of some of the proposed changes, the following section elaborates on the Committee's deliberations and conclusions.

This section includes the following: Mandatory Reporting (provincial requirements, question of the inclusion of reporting requirements in the Criminal Code); Central Registries (provincial registries, a federal registry); An Amendment to the Criminal Code Making Cruelty to Children an Offence; the Deletion of Section 43 from the Criminal Code; and Preventive Services.

1. MANDATORY REPORTING

Provincial Requirements

Eight provinces and the Yukon now have mandatory reporting requirements. In all of these jurisdictions "any" or "every" person having information of the need for protection of a child is required to report the information to the child welfare authority. Reporting may also be made to other authorities: in Newfoundland to a welfare officer; in Ontario to the Crown Attorney; in Saskatchewan to a peace officer, and in the Yukon to any member of the social work staff of the Department of Social Welfare.

With the exception of Saskatchewan, the legislation in these jurisdictions specifies that the reporting requirement applies whether or not the information is confidential or privileged. The legislation also provides that no action lies against the informant unless the report has been made maliciously or without reasonable and probable cause.

Alberta's requirement is typical and reads:

(Child Welfare Act)

"41—(1) Any person who has reasonable and probable ground to believe that a child has been abandoned, deserted, physically ill-treated or is in need of protection shall report the ground of such belief to the Director or to any child welfare worker of the Department.

(2) Subsection (1) applies notwithstanding that the ground for belief is information that is confidential or privileged, and no action lies against the person so reporting unless the provision of the report is done maliciously or without reasonable and probable ground for belief."

Most of the provincial sections do not specify a specific penalty although the general penalties for violation of provisions of the Act may apply. It is difficult to enforce a penalty for failure to report. It is noted also that, although Alberta's section requiring mandatory reporting includes a penalty clause for failure to report, this clause has not been proclaimed.

Reporting

Witnesses have indicated a reluctance to report cases of abuse, and have indicated also the need for education in professional schools as well as interpretation to those in the field.

It has been pointed out by witnesses that there is a lack of information about child abuse in curricula in professional schools. The Committee concurs in the recommendations of the witnesses that the professional education of the helping professions should be broadened to include this subject. However, the Committee has taken note of the efforts being made by some provinces to interpret the many aspects of the problem of child abuse to the public and of the efforts being made in some provinces and in some communities to establish multi-disciplinary teams to deal with cases of child abuse.

Question of Inclusion of Reporting Requirements in the Criminal Code

Your Committee has received representations to the effect that a mandatory reporting requirement relevant to the provinces be included in the Criminal Code and that a penalty be included for failure to report. This would require federal reporting to the appropriate provincial or territorial authority because that is the responsible authority which must follow up on reports of abuse or neglect.

The reasons advanced for a federal reporting requirement with a penalty for failure to report in the Criminal Code are that it will result in uniformity that is now lacking in provincial legislation insofar as particulars of who is required to report, to whom they report, the protection from action against them, etc. In addition, such an amendment would make the failure to report a criminal offence and hence the hope would be that more people would take this responsibility seriously. The Committee has examined these provisions in provincial and territorial legislation and finds them remarkably similar. (See Appendix B for provincial requirements).