

*Criminal Code*

[English]

This is where many boys get their sex education, and many think that this is normal sexual activity. In a York University study conducted recently 25 of the young men interviewed said that they would commit rape under certain conditions. In women's shelters and among rape victims one will often hear that these victims were forced to imitate *Deep Throat* or other violent pornography.

In a Queen's University study it was found that one-third of child molesters and rapists questioned used pornographic material to arouse them before and during sexual acts. So pornography is bad. It has an insidious effect on our society. Its availability should be controlled. The problem consists in deciding how to balance an individual right to freedom of expression with the obvious harmful effects of pornography. Where should we make the cut-off? Where should we put our foot down and say, "You cannot watch that or read that"?"

The first problem consists of defining pornography. The existing law uses an obscenity standard by which the courts decide what is or is not obscene based on community standards. Everyone pretty much agrees that this is too vague and inefficient and places too much importance on censorship. It is obviously not stopping the harmful pornography from spreading across Canada.

The Conservative Government's Bill C-54 goes to the other extreme. Its aims are honourable and its intents justified, but its method is repressive. Bill C-54 replaces the existing obscenity standard with a very detailed definition of pornography. This definition includes physical harm, sexual violence, child pornography, bestiality, incest, as well as masturbation, lactation and sexual intercourse. Pornography seems to include anything sexual. This puritanical Bill includes sexual intercourse in the same category as bestiality and sexual violence.

Bill C-54 also makes a distinction between pornography and erotica. Since pornography includes every type of sexual activity, erotica seems to be defined as anything depicting nudity. In 1987 does this seem a realistic way of representing our sexual mores? Are we not regressing back to the Victorian age with this Bill?

Is human sexuality that dangerous? Is the Conservative Government saying that human sexual relations can never be depicted as healthy and loving? Is the Government confusing sex with violence and hate? I believe that we need to attack pornography, but that does not mean attacking sexuality.

In a recent poll it was found that 69 per cent of Canadians feel that Bill C-54 is too puritanical and that it goes too far. This Bill is moralistic. Its primary concern is with the effects on the moral behaviour of the population. Is that how the Government proposes to protect society from harm, by introducing legislation that disregards the freedom of expression and the liberties accorded to each citizen under the Charter of Rights?

• (1630)

The artistic community fears that warning signs will have to be posted in art galleries and theatre entrances if this Bill is passed. Many exhibitions and theatrical performances will become 18 and over X-rated. Painters such as Picasso will be for adult entertainment only. Movies such as *Not a Love Story* and *Lolita* will be prohibited. Librarians also fear that their shelves will be empty under Bill C-54. There are many classics that include intercourse, masturbation, and sexuality between minors, for example, *Romeo and Juliet*, that one might be forced to produce age of majority cards to enter the library.

[Translation]

Their fears are not unfounded, Mr. Speaker, because when we realize that the police will have to determine what is pornography and what is art, there are some serious questions we should be asking ourselves. If the police enforce the provisions on pornography like they enforce those on prostitution, this legislation could be dangerous.

I also would like to recall an article that appeared in the media on October 10, about RCMP officers who seized forty-two colour slides from a women's group against pornography, on the grounds that they were showing pornography. In fact, this was simply an educational program these women were putting on across Alberta to demonstrate what pornography is and what the difference is between pornography and erotica.

All these documents were seized, and these women are now waiting for the provincial solicitor general to decide whether the case they will come before the courts or not.

Mr. Speaker, this is an example of the kind of mistakes the police sometimes make, especially when they are asked to do things they are not equipped to do.

[English]

When we are so concerned that our children watch too much television and video, it is ironic that we might turn them away from books if we start censoring strictly. Educational material on AIDS and other sexual diseases is so explicit it could also be banned.

Bill C-54 simply does not meet the needs of Canadian society in the 1980s. I believe that we can stamp out harmful pornography without getting rid of erotica and sexuality. We need a different definition of pornography. The Fraser report of 1985 provided us with a moralistic view on pornography. It is not what the Minister was saying earlier; they have not followed the recommendations of the Fraser Commission.

That Commission proposed three tiers of punishment for pornographic material. The first and most severely punished tier would be sexually explicit material where actual harm was caused to the participants, or material which involves minors. The second tier to be severely punished would be material showing sexual violence, abuse, or degradation. The third tier would deal with sexually explicit material or erotica showing no violence or abuse. Laws would be passed as to how and