

- no offence was deemed to have occurred if a child touched an offender in a sexual manner; if an offender requested a child to perform sexual acts; or if a person in a position of trust or authority towards a young person, or a person upon whom a young person is dependent, engaged in sexual acts with the young person.
- material evidence pertaining to sexual offences against children, while rarely available, was required to corroborate a child complainant's unsworn testimony for a conviction to occur.
- if a child did not disclose the sexual abuse at the first reasonable opportunity after the abuse occurred, the complainant's silence could be raised by the defence to suggest that the abuse may not have taken place.
- certain sexual offences had to be reported within a year of their occurrence or no charges could be laid.
- at trial, the defence was permitted to cross-examine the child complainant about his or her prior sexual history with persons other than the accused in order to impeach the credibility of the young complainant's evidence.

The amendments contained in Bill C-15 created new laws concerning child sexual abuse offences and new evidentiary provisions, and refined some existing offences. They were enacted to improve the protection and experiences of child victims and witnesses, facilitate the prosecution of child sexual abuse cases and balance penalties with the gravity of sex crimes against children.

Bill C-15 extended greater protection to persons under 14 by voiding their consent to sexual activity with an adult (ordinarily a defence in sexual assault cases). Sections 151, 152 and 153 created the new offences of "sexual interference" (touching a person under 14 for a sexual purpose), "invitation to sexual touching" (involving a person under 14) and "sexual exploitation" (sexual touching or invitation of persons over 14 but under 18, by a person in a position of trust or authority).

The legislation also created new and special procedural rules for the trial of sexual offences involving complainants under 18. For example, section 486(2.1) allows a young complainant to testify in sexual offence proceedings from behind a screen or from outside the courtroom (ordinarily by means of closed-circuit television). Under section 715.1, victims under 18 may also give evidence in such proceedings by videotape made within a reasonable time after the commission of the offence, so long as the complainant adopts the contents of the videotape during testimony at trial. At trial of various sexual offences, the complainant and any witness under the age of 18 has the right to seek an order banning publication of identifying information. The presiding judge must inform them of that right and grant the order, upon application by either the witness, complainant or prosecutor.

Under section 274, corroboration of the victim's testimony is no longer required for conviction in sexual offences. Section 276(1) removed the right of defence counsel to question the complainant at trial about sexual activity with someone other than the accused. Section 4(2) of the *Canada Evidence Act* renders an accused's husband or wife a competent and compellable witness in the prosecution of the aforementioned *Criminal Code* offences, a provision which may have particular application in cases of abuse by a parent. Under section 275, recent complaint with respect to child sexual abuse offences was abolished. Finally, section 16 of the *Canada Evidence Act* allows an unsworn child, who is able to communicate his or her evidence, to testify in court on a promise to tell the truth.