

*Criminal Code*

contained in the Bill. These changes include the addition of two new offences which also, aim at protecting children and adolescents. The first concerns a person who, in any place, for a sexual purpose, exposes his or her genital organs to a person under the age of fourteen. Such indecent exposure was already covered by the Criminal Code if committed in public. However, if committed in private, there had to be in addition an intent to insult or offend. These provisions were found to be inadequate in cases where people showed their genital organs to children for a sexual purpose. The new provision therefore makes this an offence punishable on summary conviction.

Once more, I emphasize the fact that such exposure must be for a sexual purpose. This means that the simple fact of going around the house without any clothes on in the presence of children, for instance, will not constitute an offence.

The second offence concerns the customers of young prostitutes. From now on, requesting the sexual services of a person under the age of eighteen will constitute an offence.

According to many comments, the problem of juvenile prostitution is getting increasingly serious. These young people must be protected against the consequences of such activities. The Badgley Committee recommended that, as a last resort, prostitution by young persons constitute an indictable offence, but such a solution does not seem acceptable. It would be better to target the customers who use young people for sexual services. Consequently, those who request the sexual services of prostitutes under the age of eighteen will be liable to five years in prison in the most serious cases. In addition, to ensure that those who live on the avails of prostitution of young people are not simply soliciting for the prostitutes, the penalty for living on the avails of juvenile prostitution is being increased to fourteen years of imprisonment.

Existing provisions which deal with the evidence given by children reflect outdated attitudes as concerns the reliability of such evidence. While Common Law rules originally provided that anyone could be a witness for the Crown, women and children were gradually judged to be less than reliable witnesses, especially when giving evidence about sexual assaults of which they had been the victims. A major detail of the evidence given by women and children had to be corroborated by a piece of compromising evidence against the accused. Because of the very nature of these offences, however, it was impossible in many cases to find corroborating evidence. This injustice against women was corrected in 1976, and Bill C-127, which came into effect in 1983, clarified the applicable provisions. We are now attempting to repair the injustice done to children who have witnessed criminal acts.

There is increasing, convincing evidence that children who have to report on facts they have experienced are truthful witnesses. The injustice in denying child victims of criminal acts the right to explain the facts to the court has been recognized by the Badgley Committee and the Fraser Committee. Both committees recommended repealing the rule requiring corroboration.

The corroboration rule prevented a child from obtaining justice. Moreover, the rules on child evidence often prevented children from explaining to the court what they had experienced. Even though a child was called to the witness box, seeing his alleged aggressor often disconcerted him to the point where he could not give coherent evidence.

The Bill would allow children to more easily report on acts they have been victims of, in keeping with the accused's rights. It would also allow a larger number of children to give evidence. Any child who could state the facts and promise to tell the truth could give evidence. Such evidence would be heard by a judge or jury, who would determine its credibility. So that he could give a full and truthful statement of the facts on which the charges are based, a provision could be used by the court to allow the child to testify without seeing the accused.

That goal could be reached by putting a screen in the courtroom or by having the child in another room. In the latter case, the other parties involved should be given an opportunity to attend the testimony on closed circuit television. The child no longer would be put under the obligation of repeating the recital of facts because the Bill includes a provision under which a videotape could be made within a reasonable period after the alleged offence has been committed.

The effect of that proposal could be to avoid the child having to repeat the same evidence, often a number of times. It would also enable the child to make in his own words a recent report of the facts while they are still fresh in his or her memory.

So that such a videotape could be allowed in evidence, the child would of course have to confirm the contents when testifying before the courts. The child could then be cross-examined, which cross-examination would clearly have to be led in light of the child's age and ability to understand if the court were to be able to take it into account.

Mr. Speaker, I only referred to the most significant aspects of the Bill, which is aimed at protecting children and youth against sexual aggressions by creating new offences, and to make it easier for children to access the criminal justice system.

On the other hand, the proposals are based on the principle that the rights of the accused also have to be respected. When such sweeping changes are being introduced into an area of the law that is of such tremendous importance, the impact of course has to be carefully reviewed. Steps have therefore been taken for such a review to be initiated immediately and for a report to be submitted to a committee four years from now. A complete review could then be made of the impact of the implementation of those legislative proposals.

Clearly, amendments could be brought in sooner, if provisions in the legislation were to prove inefficient or lead to some unwanted consequences. However, I am certain that the main