

that we can grovel so low that we will even use children, some of them as young as three years of age, to depict sexual activity in order that a profit can be turned? What an indictment of society it is that a profit can be turned because someone is willing to exploit a three-year-old!

Section 166 of the Criminal Code is a section which my bill would amend. At present it pertains to female children only. I suppose that when that section was first drafted and passed in the House it was thought that only female children needed to be protected against rape or sexual exploitation. Well, the world in which you and I live is not the same any longer, and we find now that male children are as much depicted in these magazines as are female children. The exploitation of these magazines by the homosexual market is on the increase, and whether or not we like to raise the topic, it is with us, and it is we who will bear the blame if we allow it to continue. So Bill C-211 amends section 166 of the Criminal Code to include not only female children but also male children.

I was pleased to see that the standing committee in its seventh recommendation supported this bill. This is what the committee stated in its report:

Section 166 of the Criminal Code should be amended to make the procurement of children for the purpose of prostitution or to participate in the production of sexually explicit materials offences punishable by ten years in prison and the following or similar terms—

Those who are opposed to legislation such as I have introduced will argue that obscenity cannot be defined. They will refer, for instance, to the Hicklin test and say that it failed, or they will say that the Hicklin test has been relegated to a secondary position because section 159 of the Criminal Code takes over and there have been judgments where community standards have become the measuring stick. They will say that obviously community standards vary from place to place, from judge to judge, from jury to jury, or from courtroom to courtroom.

I find that in one area, no matter how you want to define obscenity, no matter what measurement you want to use, there is general agreement that there is a common measuring stick, and that is that child pornography is an abhorrence to people in this country. So I hope we will not get hung up again on legal definitions when we refer specifically to section 166 because we are dealing with children. We spend so much time defending the rights of Canadians, and so we should, but is there any greater exploitation than using mechanisms not to come up with a definition or with an amendment, thus preventing these children from having the protection of the law which they so rightly deserve?

I am the first to admit that amendments to the Criminal Code will not end this trafficking and human degradation, but I am convinced that members of the House can show leadership and that changes in the nation can take place and will take place if action such as is proposed today becomes part of our criminal law.

I want to commend the minister of justice who, after the committee reported, came up with the omnibus Bill C-51 in the last session. At page nine of the bill the minister amended

section 166 along very similar lines to those proposed in Bill C-211. I want to say to the parliamentary secretary to the minister, who will be replying, that that amendment is totally in accordance with my views and is totally acceptable to me.

What I want to do today is to encourage the government to give us a commitment that either the amendments, as I have proposed in Bill C-211, or the minister's amendments in Bill C-51 in the last session, or a refinement of both, or even another one, would be acceptable. I believe it is utterly necessary that we receive a commitment today that this legislation, which has already received first reading in the previous session, will come back to the House and that, before this parliament ends, we will have an amendment to section 166 of the Criminal Code. I hope we receive that commitment from the government today.

● (1722)

I believe the time for action has come. We made progress in the last session, but we cannot allow this amendment to die on the order paper. The good words and good will of the previous session are still awaiting legislative action and passage.

In conclusion, I thank the House for its co-operation on this subject in the past. I hope that co-operation is still forthcoming. If strides cannot be made on the larger question of pornography, I see no reason why we cannot make the strides we want in the area of pornography as it relates to children and the exploitation of our younger citizens.

Some hon. Members: Hear, hear!

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, the essence of the bill before us really is in two parts. The all-party committee which reported on this subject accepted in principle the proposed amendment to clause 166.1 of the hon. member's bill, but it rejected the amendment which he proposed to subsection 159(8).

The reason the committee rejected that particular amendment and replaced it with one of its own was to continue to permit this subject to be examined in a subjective way by a jury. The reason the committee in its wisdom felt that is: once one attempts to define specifically what is obscene between two consenting adults, one will define out of our literature a significant number of books which form a very important part of the heritage of western culture, including the Holy Bible, Finnegans Wake, and a series of literature which was not written for the purpose of pornography. When one moves with this type of shotgun approach to the subject, instead of correcting the abuse in terms of pornography and permitting the free expression of someone with good intentions in the literary field, then the poverty in our literature would be extreme, particularly if this amendment should pass. Hon. members should be cautious when they approach this particular subject.

On the subject of child pornography the committee decided that it was a special area requiring special attention. It decided to provide an objective rather than a subjective test, which is something with which I agree. In fact we have a very special