

activity and the child comes to believe that is a legitimate way of life and carries on in that way, surely that is a loss to society as a whole. When we say the penalty will be only five years, again given the remission provisions and the parole board, that is not much of a signal to our courts that we deem that to be important, and that that kind of conduct should be discouraged.

Section 249 deals with the abduction of unmarried persons under 16 years of age. Section 250 deals with the abduction of children under 16 years of age. I can say to you, sir, these are very good provisions, particularly in the case of divorced parents, because in many, many cases it is an absolute tragedy what happens to young children. Parents who are divorced sometimes steal these children back and forth. They are sometimes mean and vicious, using these children as though they were hammers and sledges with which to beat each other over the head, with no concern for the child; often claiming great concern for the child, but in fact using the child as a weapon to attack the other parent. Meanwhile, the children are becoming increasingly confused, and as parliamentarians I believe we should speak on that very loudly, sending a signal to parents that children have interests that go beyond the mean, narrow and selfish views of the parents.

We could then go on to other sections that deal with gross indecency, buggery and bestiality. In fact, under the present law those are offences. Under the new law they will no longer be offences. Buggery and bestiality simply disappear from our laws. Again, I am not sure that is what we should be doing in society.

Many times we believe we are updating and modernizing our law, but we are forgetting the fact that those sections were put in by people who were every bit as intelligent as we are, or think we are. They were put in as a result of the common experiences of their societies and because they found them to be necessary. I think we should look carefully at these offences before we pull them out.

People are often very unhappy with high interest rates and they go back to the biblical injunction against usury. Some seem to think that is in the Bible as a matter of religion. In fact, the parts of the Bible on usury flowed from the common experience of society at that time with high interest rates. They learned from practical experience that high interest rates cause a great concentration of wealth in the hands of the people who already have wealth and, in fact, create a class society that leads to the downfall of that society. That is why there is a section in the Bible against usury. Before we take out these sections we should be sure we understand as a society that we are doing the right thing.

There are quite a few changes dealing with assault. As you know, under the present code we have Section 245 which deals with common assault. That same section in another subsection deals with assault causing bodily harm. We have a separate section which deals with bodily harm with intent to wound, and there is a fourth section that deals with assault with intent to commit an indictable offence, and assaulting police officers.

Criminal Code

Bill C-53 replaces that present system with offences of assault, assault causing serious bodily harm, unlawfully causing serious bodily harm and assaulting a police officer. There is no doubt that, from a positive point of view, it is in conformity with some of the basic criminal law principles. It expresses an instruction regarding reasonableness. There is a problem in that a mistake of fact must be reasonable and not just honest.

Finally, the bill deals with sexual assaults. This is perhaps the part of the bill that gets the maximum coverage and is probably a very good reason why the bill should not be dealt with as an omnibus bill. Some of us have some pretty strong feelings about many of these other sections, yet feel that this part on rape and sexual assault has some very positive provisions which should be brought in. I believe if the government were to split the package, it would be much easier to get at least some parts passed very quickly.

Under the present Criminal Code, Section 143 deals with rape, Section 149 deals with indecent assault on females and Section 156 deals with indecent assault on males.

In 1979 there were some 3,388 rape cases reported. We know, as a broad general statistic, that only one of eight rapes is actually reported because most women are just too embarrassed to raise the matter. They know that the trial and the publicity is often more harmful to them personally than the rape, however violent, vicious and awful it might be. Under the new code Section 246.1 says:

Every one who commits a sexual assault is guilty of an indictable offence and is liable to imprisonment for ten years.

• (2030)

Section 246.2(1) reads:

Everyone who commits an aggravated sexual assault who

- (a) uses a weapon during or at the time he commits a sexual assault; or
- (b) commits a sexual assault that causes serious bodily harm.

(2) Everyone who commits an aggravated assault is guilty of an indictable offence and is liable to imprisonment for life.

That has now been dropped as a matter of government policy to ten years, and again that sends quite an improper signal to our judges as to how we as parliamentarians want that dealt with and how we feel Canadians want that dealt with. I suppose that provision for ten years will stay unless the public indicates to all of us as members with sufficient force that they want to have a harsher punishment. Perhaps if 20 years were served, that might be better than ten years.

It is also interesting to note that under aggravated sexual assault there can only be a conviction under that section if the person is using a weapon. A weapon is not often necessary in a case where the attacker is a big man. Surely you can still have aggravated assault without a weapon. Just the difference in size would put many women at a very real disadvantage.

The section also points out that the woman must suffer serious bodily harm. We all know that a punch in the nose heals within a short time, but when a woman has her apartment door broken down and has been dragged into her bedroom and thrown on the floor, it is an emotional trauma and