

*Criminal Code***GOVERNMENT ORDERS**

[Translation]

CRIMINAL CODE AND CANADA EVIDENCE ACT

MEASURE TO AMEND

The House proceeded with consideration of Bill C-15, an Act to amend the Criminal Code and the Canada Evidence Act, as reported (with amendments) from a legislative committee.

Hon. Barbara McDougall (for Mr. Hnatyshyn), moved that Bill C-15 be concurred in.

Mr. Speaker: Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion agreed to.

Hon. Barbara McDougall (for Mr. Hnatyshyn), moved that Bill C-15 be read the third time and passed.

Mr. François Gérin (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I welcome this opportunity to address the substance of Bill C-15, but first of all, I would like to acknowledge the important work done by members of the Legislative Committee.

I was also very impressed by the statements of the witnesses. Their testimony proved to be very useful in considering a Bill that is so important for Canada's children and young people. The Bill was well received by those who regularly care for children who have been victims of sexual assault, although proposals were made to amend some of the provisions of the Bill.

Indeed, we agreed to introduce some major amendments to improve certain aspects so that the Bill will more effectively protect children and young people against sexual assault. Furthermore, this Bill seeks to reinforce the rights of victims by facilitating access to the judicial system.

Another purpose of this Bill is to identify offenders and give them a chance to receive the support and treatment they need. On the whole, the Bill's structure is much the same as it was when the House decided to refer it to a legislative committee.

Basically, the Bill contains three important measures. First of all, in order to provide additional protection against sexual abuse, it creates three new offences relating to the sexual abuse of children and young people. Second, the Bill abolishes certain offences under the Criminal Code that have become obsolete and amends provisions relating to other offences to make the Criminal Code more effective and more attuned to today's society. Third, the Bill provides for ways to enable children to testify.

The Bill therefore contains three new offences. To protect children under fourteen years of age, it creates the offence of

sexual interference. Every person who, for sexual purposes, touches a child under fourteen years of age is liable to imprisonment for a term not exceeding ten years.

Children under fourteen years of age are also protected by a new offence which consists in inviting a child of that age to engage in sexual touching of others. This offence would also carry a maximum prison term of ten years.

The third new offence is aimed at protecting young people under eighteen years of age from sexual exploitation by any person who is in a situation of trust or authority towards these young people. In very serious cases, the offence would carry a maximum prison term of five years. Furthermore, each of these offences may be punishable on summary conviction.

Since for each offence, the legislation emphasizes the terms "for sexual purposes", the Crown will have to prove that those purposes are one of the essential components of the crime. In this way, parents, teachers and all persons involved in caring for children will be protected against frivolous charges.

Anyone who takes care of children knows that they have to be hugged and shown love and affection. The usual way we express love and affection, by touching the child in whatever way, is of course not what is meant by these new provisions.

Only the kind of contact or touching or invitation to touching that is aimed at awakening sexual desire or obtaining sexual satisfaction is covered by these offences. The Badgley Committee found that many sexual assaults against children and adolescents in Canada involve such touching. Liability may be attributed for each of these offences, even if there is an element of consent, or at least of non-opposition on the part of the victim. Of course, if there is no such consent to touching, the incident obviously constitutes a sexual assault. However, even if such consent exists, it cannot be used as a defence to a charge, except in a very few cases. It is necessary to provide for such an exception so as not to make criminal acts out of the normal sexual discovery activities of young people.

Under the Bill, if the accused is not in a position of trust or authority towards a child twelve years of age or more but under the age of sixteen and if he is not two years older than the complainant, consent can be used as a defence. I underline the fact that consent can be used as a defence in such cases. In fact, the Badgley Committee and the evidence given before the legislative committee both point out that young people who indulge in sexual touching with younger children can in fact be exploiting them.

The second major initiative contained in this Bill consists in amending existing sexual offences and eliminating some others. There is no need to explain why some outdated offences have been eliminated, such as those which deal with the seduction of young women or of female passengers by the crew of a ship. Such offences no longer lead to a charge. They have no place in a modern Criminal Code.

Other offences have been amended to reflect the evolution of our society and the changes required by the new provisions