

*Criminal Code*

would support that. With that caveat let me say there is no disagreement about amendments directed toward controlling child pornography.

● (1240)

This issue is a very difficult one because it raises questions of censorship, freedom of expression and, in particular, definition. What is the difference between erotica and pornography?

I remember several years ago working with a group through the National Action Committee who had put together as an educational tool a slide show of some clips from some of the really violent kinds of pornographic videos that we are discussing. It was extremely effective. A criminal element was involved in the sale of these pornographic videos, et cetera, and it was a multi-billion dollar industry. People were also not aware of the kinds of threats and intimidation which these women who put together this educational material were under. These women and their spouses were threatened. That was almost as shocking as the material. I suppose I led a very naive existence and did not realize that this was the kind of multi-billion industry that it is.

The problems one finds with this Bill are exemplified by the fact that with this legislation the group who put together that educational material, which was to tell church groups, politicians and many others that this is what is happening, that they had better see the reality so we can all do something about it, would now not be able to use and show it.

I would like to address the lack of clear definitions for erotica and pornography, and the lack of clarification about what can be used for educational purposes. I must question as well that the innocent or a defendant is presumed guilty until he or she is able to prove himself or herself innocent. Not being a lawyer I do not profess to be an expert, but I do believe that the basic tenet of our justice system is that one is innocent until proven guilty and not the reverse.

One of the areas that is so difficult in this legislation is the definition. Let me quote a few sentences from Pierre Berton who wrote in *The Toronto Star* on May 16, 1987. He identified one of the difficulties which many of us have. He wrote, "I can turn on the television news and see dead bodies strewn all over Nicaragua. I can see films, photographs and TV crime shows in which men and women shoot each other, knife each other, blow each up and burn each other alive as long as they don't do it in a sexual context".

Those of us who have children and attempt at times to do a bit of censorship of our own of the television understand how detrimental that kind of violence is. When it is then put in a sexual context it is all the more serious.

Bill C-54 is, in my view, retrogressive. It will not necessarily address all of the kinds of issue. It, indeed, misses some very pertinent issues that I believe it is the intent of all people in this House to address. I am sure that most people are not even

talking about erotica. They are trying to address what is often colloquially known as hard core pornography which is violence in the sexual form. To call it pornography is, in many ways, misleading and obscuring the argument.

There is, however, in this Bill—and why we proposed the amendment—a rather big brother aspect. In order to deal with a fairly specific problem, there is now sweeping legislation which will catch in its net, as it were, a lot of other material which is considered literature in our society, and is not seen, I believe, in any way as pornographic by the ordinary community standard. Most of us can remember when books such as Margaret Laurence's were under great criticism from individuals who felt that her books should not be in high schools.

One is very sensitive to the fact that being discreet in the legislation and being specific is extremely important. Otherwise you end up restricting not only the freedom of expression of artists but the freedom of individuals to read material which I believe is not the kind of material that perhaps the drafters of this legislation hope to reach.

As I mentioned earlier, I am sure there is certainly unanimous agreement about attempts to address the very serious question of child pornography. Let me also state that the New Democratic Party has been extremely involved in discussions on the issue of pornography, recognizing the very serious and detrimental effects that such violent and degrading pornography can have. I would like to read into the record the New Democrats policy on pornography. I believe this in essence addresses the issues as we would feel they would be best addressed. The federal New Democratic Party:

(1) defines as pornography material which condones violence, coercion, abuse and degradation in its depiction of human beings and condemns the production and distribution of such material whether in film, video, print, or any other form;

(2) condemns the production and distribution of material which portrays or promotes the sexual exploitation of children and calls for severe penalties for offenders.

In that case we are in agreement with this legislation. The New Democratic Party:

(3) calls for the strengthening of Section 159 of the Criminal Code of Canada to reflect these concerns.

(4) calls for amendments to the Broadcasting Act to prohibit the broadcasting of such pornographic material with severe penalties for violation including the possibility of revocation of licence.

We have attempted to be very clear about the issue that we are trying to address.

I would now like to say a few words about some of the problems with the lack of clarity in the definition between eroticism and pornography. The United Church of Canada, for example, in June, 1987, in a letter to the Minister of Justice (Mr. Hnatyshyn), expressed its concern. I know that particular church has been very involved and concerned about the issue of pornography. These are concerns not by someone who has a vested interest but a church which very clearly has a deep concern about the issue. Basically the United Church of