

Children's Rights

knowledge of what a member of council could do, but I had very limited knowledge in the area of family care. I received a complaint about a family living in a converted summer cottage in Britannia. The complaint came from a neighbour and it concerned a sick child. This incident happened over the Christmas period. I called at the cottage and a woman answered the door. I identified myself, and with the greatest reluctance she allowed me to come in. When I asked her if she had a sick baby she told me that she had a baby with a cold but it was really none of my business. I noticed there was a broken window which was covered by a piece of cardboard. There was a baby in a crib not too many feet away from that window. I asked her if a doctor had seen the baby and she said no. I suspected the family might have been on welfare and I started to make a discreet inquiry. I discovered that her husband was employed and there was a regular income in the family. I was told in the bluntest terms that the matter of her child's cold was none of my business. The child was dead two days later.

Looking back, I have no knowledge even to this day what kind of action was available to a member of city council to intervene in a situation where there was gross neglect and abuse by a parent who was not competent to look after a child.

I listened to the hon. member of the NDP who said he was persuaded that not every unwed mother should have the right to raise her child. The simple truth is—and it is with the greatest reluctance that I say this—that the incident which will always stand out in my memory was that of an unfit mother and father with the responsibility of a child.

The truth is that our law is complex. Historically the common law gave no rights to the child. The father presumably had wide and extensive control over his children and he had very little by way of civil obligation imposed upon him. I understand that in this century jurisprudence has developed, but it is almost entirely at the provincial level and a very limited amount is at the federal level. The concept of the rights of a child is something very fundamental.

I have one or two comments about the bill before us. The hon. member for Burnaby-Seymour (Mr. Raines) has said that if we are to set up a task force we must expect ten provinces to enact legislation. It does seem to me that an inadequate amount of provincial representation is suggested by the hon. member in this bill. Furthermore, I am a little bit at a loss concerning clause 6, which I now quote:

Nothing in this act shall be construed as requiring an appropriation of any part of the public revenue.

How will the task force operate? Will it hold hearings or will it be entirely conducted by volunteers? I would personally find that a very impractical way of conducting—

An hon. Member: No choice.

Mr. Francis: The hon. member says that he has a bill that would be out of order if there was a charge to treasury. In order to meet the rules of the House he puts a totally impractical consideration into the bill. He had the alternative of drafting a general resolution rather than a bill. However, that

[Mr. Francis.]

is really inconsequential. The general intent of what the hon. member is trying to do is highly desirable.

I said I am not a lawyer, but in the reading I have done and as a result of the limited number of situations which I have had to face, it seems to me that the balance between the rights of a family and the rights of a child is not easily established. It is possible to lean too far and to set up a situation where a manipulative child in later years could take advantage of and harass parents, especially when property settlements and such matters are considered.

● (1652)

I became familiar only recently with a situation where a marital breakdown is taking place, and it is almost certain that at the earliest opportunity one parent will attempt to deprive the other of access rights guaranteed by an agreement. I was shocked to learn from the lawyer who is giving advice that the most effective thing to do was to kidnap first. The possibility of the other parent performing in good faith is minimal, and the parent who is most responsible in terms of the custody of the child does not have complete legal right, nor is there any means under present legislation by which such a right could be accorded.

The Standing Committee on Justice and Legal Affairs already has a lot of work to do, which is another consideration when it comes to proposing that yet a further burden be added to its program. I would remind the House that Bill C-51 was introduced on May 1 to amend section 250 of the Criminal Code and create the offence of abducting a child in circumstances not now covered by law, such as in contravention of a custody order by a Canadian court or, in special circumstances, where no order has been made but the child is taken with the intent to deprive a parent or guardian of possession. The whole subject is a complex one.

The task force will not find its work easy and I look forward to several debates on the subject in the House of Commons. A great many people are exercised over the seal hunt. We see a hundred times more attention given that matter in the House and outside than is given to the rights of battered or abused children. There is nothing wrong about having more debates on this subject. I do not think we shall achieve our purpose by limiting discussion on a subject which is not urgent today but will become increasingly urgent in the years ahead. I am not a lawyer but I have learned from the experience of people very dear to me that when a marital breakdown takes place as many as four Ontario courts may become involved. As yet there is no unified jurisdiction to deal with these cases.

I am pleased to note that the creation of unified family courts has been encouraged by federal funding. A fund has been established by the government to finance special projects in various provinces. I understand that the Law Reform Commission in its 1974 working paper on family courts recommended the establishment of such a fund. Pilot projects have been put into operation in British Columbia in respect of which the Department of Justice and the province are sharing the cost. There is a project in the Richmond-Surrey-Delta