

*Criminal Code*

Those critics and commentators who have equated this definition with nudity are simply wrong. The definition is clear in requiring a dominant characteristic, a sexual context or the purpose of sexual stimulation. Those who have made extravagant claims that cherubs will need to be painted over, clearly do not understand the Bill.

These claims are some of many made by those who have not taken the time to consider this Bill carefully or to follow the current state of the law. For example, there are those who say that this Bill takes the Government back into the bedrooms of the nation. This charge is absolutely false. We are not in any sense proscribing conduct between individuals in private. Rather, we are coming to grips with the public exhibition, trafficking in sexual violence, degradation, child pornography and exploitative material.

Indeed, the recent decision of the Supreme Court of Canada in the *Video World Ltd.* case, which affirmed a decision of the Manitoba Court of Appeal, shows the ambit of the current law. In that case, certain films were at issue which showed vaginal intercourse, oral intercourse, anal intercourse and masturbation, among other acts portrayed. The court, under the current Criminal Code provisions, had no hesitation in finding this material to be obscene.

Those who claim that the Government is turning back the clock should familiarize themselves with the *Video World Ltd.* decision. Bill C-54 is in step with contemporary community standards and levels of tolerance. The Canadian public expects a strengthening of the present law, not greater licence to trade in the exploitation of private acts.

While the Government has shown its resolve to deal effectively with this type of material, and has suggested penalties which clearly show that its dissemination will not be tolerated, we have also been vigilant in ensuring that freedom of expression under the Charter of Rights and Freedoms is safeguarded. Canadians expect that creative expression which has flourished in our nation should continue to enjoy an environment which will allow for its further development. With this the Government fully agrees. While Bill C-54 attacks hard core pornography, it also effects many innovative and helpful changes to the law which are meant to recognize the important concerns of the artistic community.

These proposals represent a reasonable balance. There is general agreement on the major objectives of the legislation.

[*Translation*]

I seek your support for this Bill. Hopefully, Mr. Speaker, this measure will be referred to the legislative committee as soon as possible. I know that both Opposition Parties endorse its basic elements.

[*English*]

This is a time for Members of Parliament from all Parties to work together to deal effectively with these exploitative, hateful, degrading and dehumanizing representations. Let us work together to send out the signal that we have strengthened

the criminal law in order to curtail the trade in pornography while remaining sensitive to the needs of the artistic community and respecting freedom of expression.

I believe the time has come for us to debate this Bill in a serious manner. It is time for Members of Parliament, whether on the government side, or indeed in the opposition Parties, to come forward and let us know precisely where they stand with respect to this particular issue.

We have heard the justice spokesman on behalf of the Liberal Party indicate his support of the major portions of this particular legislation. He has indicated that he has some concerns with respect to the provisions dealing with depiction and portrayal of explicit sexual activity.

We know the position of members of the New Democratic Party. I understand that they do not support this legislation. However, I will want to know during the course of this debate where members of the New Democratic Party stand with respect to the provisions which, for the first time, specifically and squarely address the question of portrayals of damage and injury, cruelty and degradation to women. I want to know where they stand with respect to the question of curtailing the exploitation of children and child pornographic portrayals in Canadian society.

These are important issues that we must address. I will cheerfully accept constructive criticism and suggestions. It will not be good enough for members of the Opposition to say that they are generally in favour of laws with respect to child pornography and enacting tougher penalties with respect to the degrading portrayal of women and the exploitation of women in pornographic terms, but will hijack the Bill and prevent it from going to a committee for thorough study because they are unclear about a certain clause.

I suggest to Hon. Members sincerely that the Canadian public will not tolerate any equivocation. They want to know the criticisms and precisely where the opposition Parties stand on this issue. They will want to know their solution.

I wait with some interest to hear whether or not members of all Parties will have constructive suggestions. I am very interested in the parliamentary process, and this is the time for the opposition Parties to inform us.

I do not believe we can simply rely on the present law. If there are concerns with respect to this legislation, I think one indeed could have some concern about the present provisions of the Criminal Code. The provisions in the Criminal Code with respect to pornography presently come under the general section dealing with obscenity. We have defined and targeted exactly the kind of offensive matters with which we want to deal under the law. I suggest that those who are interested in freedom of expression would want to have a clear definition of what is meant by pornography in a legal sense.

Let me refer to the present provisions of the Criminal Code, and I ask Members of the House to consider whether or not