

*Criminal Code*

The Fraser Commission on prostitution and pornography points out that the per capita circulation in Canada of 17 different magazines that dealt with so-called adult material between 1965 and 1981 increased 3.5 times. However, as the Fraser Commission pointed out later on, we still do not have much information about the actual patterns of the use of this kind of pornographic material.

It is important that we look at what some of the people told the Fraser Commission about the impact of pornography. I would like to read first from the brief of the Manitoba Advisory Council on the Status of Women in Winnipeg which said:

All pornography degrades women. The spectrum of soft to hard core is often alluded to, with the implicit or explicit connection that hard core pornography is dangerous, while soft core pornography is not, or at least, not so dangerous. We dispute this. All pornography is dangerous to women, because it robs us of our dignity, the right to be treated with respect as complete beings, and it squanders our needs as men and women to engage with others as equals.

The Ontario Advisory Council on the Status of Women in Toronto told the committee:

Pornography is unacceptable not because it portrays explicit sex but because it promotes hatred, violence, degradation and dehumanization. Pornography is sexist material that portrays women as a distinct sub-human species that does not feel pain or humiliation in the same way as men, and which desire violence and degradation for sexual pleasure. Pornography advocates, encourages and condones coercion, sexual violence and battering and portrays these activities as normal behaviour. As an expression of sexist ideology, pornography promotes a climate in which acts of sexual hostility directed against women are not only tolerated but ideologically encouraged.

Women are—terrorized by the message that male violence and power is so prevalent and menacing. Pornography alienates women and men. In no way does it foster healthy sexual or human relations any more than other forms of hate literature would foster healthy relations between races or religions.

The provincial Advisory Council on the Status of Women from St. John's, Newfoundland said:

—exposure to pornography leads to an increase in violent sexual crimes and aggressive anti-social behaviour. The person exposed to pornography is being conditioned to think that not only is violence socially acceptable but that it is sexually stimulating and that the person who is unwilling to be the recipient of the violent act will enjoy if forced to submit—

Pornography suggests that a woman's value lies in her physical appearance and her ability to sexually satisfy a man. All other capabilities are trivialized... Pornography undermines values that are important to our society because it dehumanizes the participants, desensitizes the viewers to the sufferings of others, and distorts mutual, caring expression into a base act committed by a powerful figure upon a powerless object.

It is important that we recognize the impact of pornography upon the economic status of women. The economist Carl Beigie told the committee:

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—it is pornography, the most visible and virulent symptom/ form of sexism that may continue to segregate women's abilities from the economic mainstream long after legislation protecting equal pay for work of equal value, or prohibiting sexual harassment, or even encouraging affirmative action is in place and is being practised... (Pornography is) as much to blame for the slow integration of women into our economic framework as any other manifestation of sexist attitudes.

I believe that is an extremely important statement for this House to consider. By taking a generally derogatory approach to women, pornography makes it easier for our society to relegate women to a lower economic status than would otherwise be the case.

Of course, child pornography is a blatant exploitation of children that is absolutely, completely unacceptable in our society. I would like to refer to some of the things the Badgley Commission on sexual offences against children said in its report. It said:

Child pornography is a direct and palpable product of child sexual abuse. It comes into existence, and can only come into existence, through the base and coldly premeditated exploitation of a young person's sexual vulnerability...

First, child pornography is produced directly through the sexual abuse of young persons.

It is a manifestation of that abuse which is sufficiently distinct and unacceptable to warrant separate treatment by the criminal law.

Second, child pornography constitutes a permanent record of a child's sexual exploitation and the harm and humiliation to the child are exacerbated by the circulation, distribution or sale of such materials.

Third, materials which depict children engaged in sexual conduct are often solicited by adults who use the material to persuade other children to engage in similar conduct or who are themselves child molesters. The Committee's findings in this regard bear out this fact.

The commission went on to say:

The availability of child pornography also constitutes a message to the consumers of this matter that children are available for these purposes. Where a young person has been used in the making of pornographic visual material, it is of course irrelevant whether some view the material as having literary, artistic or aesthetic value. Plainly, the offences relating to obscene publications are based on different policy considerations than those which operate in the context of child pornography.

It is important for us to recognize that, quite apart from any artistic merit that anyone might want to recognize in child pornography, the pornography itself, the creation of visual child pornography, involves the exploitation of children and therefore cannot be condoned.

The committee went on:

The Committee's recommendations concerning child pornography are restricted to *visual* pornographic depictions of persons under the age of 18. Paedophilic literature and visual pornographic depictions involving persons 18 or older would be subject to the general obscenity provisions in... the *Criminal Code*. In the Committee's judgment, a special child pornography prohibition attacks, not the legitimate expression of ideas, but rather a form of criminal conduct that is clearly inimical to the well-being of young children and youths.

Unfortunately, Bill C-54 does not focus on this kind of specific child pornography. Instead, it paints with a very broad brush. It ignores the recommendation made by the Badgley Commission that child pornography is deserving of and requires something specifically addressed to it.

The Fraser Commission, time and again, pointed to the lack of adequate research on the whole question of pornography, including research into the extent of its use in Canada and the extent to which its use affects individual and societal behaviour. However, I think the burden of proof is on the people who are using and producing it at this time. We are talking about