

### *Criminal Code*

It is clear that in too many parts of Canada, including my own Province of British Columbia, Governments pay lip service to the importance of resources for dealing with abused children. They quite properly call for effective enforcement mechanisms, but those same Governments fail miserably when it comes to providing support for children in our communities.

In this regard I should like to quote from a report of the National Council of Welfare entitled "Poor Kids". In part it reads:

Canadians like to believe that ours is a society in which all children are born with equal chances to rise as far as their abilities will carry them. Though they begin their lives in very disparate circumstances, we comfort ourselves with the belief that success is as attainable for the child of humblest origins as for the most affluent. The facts, however, are otherwise.

To be born poor in Canada does not make it a certainty that you will live poor and die poor—but it makes it very likely . . . The tax system and the income security system together determine the patterns of income redistribution in this country. The changes that are made in these systems as a result of the present federal provincial review—

And I might add the tax reform proposals:

—will affect the lives of every one of Canada's poor kids. New programs that are adequate to raise Canada's poverty families out of poverty will transform the futures of these poor kids. Inadequate programs will leave them facing the grim prospects that mark the landscape of their lives today.

It is essential that we as a society pay far more attention in terms of resources for these children. They do not have a vote. They cannot speak in the House. Surely it is incumbent upon each and every Member of the House to recognize our obligations to the children of the country.

I should like to make another point before turning to some of the changes made in the legislative committee. The Government announced over a year ago that the Minister of National Health and Welfare (Mr. Epp) would shortly be announcing the appointment of a special adviser on child sexual abuse to co-ordinate activities at the federal level. The Badgley Commission recommended strongly that there must be a high level co-ordinator—indeed, Badgley recommended a co-ordinator attached to the Prime Minister's Office—to co-ordinate government activities at the federal level in the area of child abuse. The Minister of National Health and Welfare said that the special adviser would receive advice from a small committee of regional advisers who would bring forward ideas from different parts of the country and so on.

That commitment was made on January 10 of last year, over a year ago, and we are still waiting for the Government to live up to the promise it made to appoint that special adviser to take the kind of co-ordinating action so desperately needed across Canada.

● (1200)

The legislation before the House, Bill C-15, before the House was significantly improved by the work of the legislative committee that studied it. I would like to touch on two or three of the areas that I believe major changes were made to improve the Bill.

Perhaps the most important element of the legislation is the extent to which children are able to tell their stories in court and relate to the court in a manner in an and environment which is not threatening to them the experience they went through. The current provisions of the Criminal Code deny them that right. As the Canadian Council on Children and Youth stated, the fundamental and important element of the Bill is the degree to which victims of child sexual abuse have the opportunity to tell their stories in court. The original proposals did not clearly facilitate children telling their stories in court.

I am very pleased, Mr. Speaker, that the committee made important changes in this area of the legislation. Now, instead of there being a test of sufficient intelligence, which were the words used in the Bill, the sole test will be the ability of that child to communicate his or her story to the court. If necessary, the courts may want to use devices to assist children, anatomically correct dolls, for example. The courts may wish to use art work. The committee heard from a psychotherapist who demonstrated how children can tell their stories through art. That may be another avenue of approach.

Another important change made to the legislation was the change with respect to the actual giving of evidence. In the Bill as presented to the House there was provision for the accused to be removed from the courtroom. There was strong criticism of that and the committee came up with a compromise. We recognized that a child or a young witness can be intimidated by the presence of the person who is alleged to have abused them. We said we would not remove the accused from the courtroom, but we would allow for arrangements to be made for children to give their evidence in a manner in which they do not have to directly confront the accused. That compromise was important, and one which I am pleased the committee adopted.

The provisions with respect to the substantive offences, namely, the provisions with respect to the offences created for the sexual abuse of children were also significantly changed. What the committee had to wrestle with was, on the one hand, a clear concern that young children should be in any way exploited because of their age and exploited in a sexual way. On the other hand, we had to recognize the reality that teenagers do engage in sexual activity and do indeed engage in sexual exploration. The Bill as it was drafted did not recognize that reality.

The committee said that where teenagers are engaged in consensual activity, and there is an age difference of less than two years, that behaviour will not be the subject of criminal sanction. Again, I believe that was an important change to the legislation.

There does remain a weakness with respect to one element of the legislation, namely, the failure of the legislative committee to respond to virtually every witness who appeared before the committee, whether it be the Canadian Council on Children and Youth, the Canadian Psychological Association,