

Criminal Code

the age of 18 from that. A number of people have pointed out that this is a very serious problem. I believe it was the Hon. Member for Kamloops-Shuswap (Mr. Riis) who said that it is a hidden crime and I must agree with him. For too long, this sort of thing has gone on.

I have referred to some of the bad things that have happened to Canadian society in terms of tolerance of pornography, but I can say that there is a growing awareness of the problems faced by children and other persons who are in a position to be exploited by persons in positions of trust. I will be very pleased to see that matter referred to the committee for discussion.

As well, this legislation deals with the subject of prostitution. It provides that a customer who seeks to obtain the sexual services of an individual under the age of 18 is liable to five years in prison. I believe that that is a tremendous provision. That is one of the reasons Bill C-49, the law on street soliciting, works. It goes after the customers as well. There is nothing that will clean up juvenile prostitution or prostitution in general quicker than to get at the customers. When the customers are afraid to get involved, it becomes possible for those who want to get out of this business to do so, to get on with their lives in a way I think most people would think proper.

I am pleased that those who live off the avails of juvenile prostitution, the pimps, have been dealt with in this legislation as well. The penalties for that crime have been increased from 10 years to 14 years imprisonment and that is good as well.

I see I have only a few moments left, Mr. Speaker. I would like to make some comments about changes to the Canada Evidence Act. One of the clauses in the Bill deals with the problems involved when children take oaths. This can be a frustrating and difficult part of a case involving child sexual abuse.

I was in court one day as counsel and was able to observe what happened with respect to a child who was accusing a young man of sexual abuse. I believe the child was eight or nine years old. As you are aware, Mr. Speaker, under the Canada Evidence Act, the judge has to make inquiries as to whether or not the complainant understands the nature and quality of an oath. In that particular case, the judge could have ruled either way. I do not think the child understood the oath in the traditional way, the way I was brought up to understand it.

If it is decided that a child does not understand an oath, the consequences are that the child's evidence must be corroborated. The combination of the two can be fatal. If the child does not understand the nature and quality of an oath and if there is no corroboration, there generally is no case. In most cases of child sexual abuse there are no witnesses. It is done in an alley or in someone's basement. It is done away from other people or witnesses. The changes are very good. I am encouraged to see that improvement.

• (1750)

I also notice that videotaped statements are now permitted where a child claims sexual abuse. That videotaped evidence is to be taken very soon after the complaint is made. One of the problems is that it becomes an excruciatingly difficult and trying time for the child who has made this accusation. They are questioned again and again. Mr. Speaker, you are aware of the legal process in this country. Generally, it is many months before a preliminary hearing. It may be a couple of years before the trial.

There are a number of things by which all of us can be very encouraged. The Government is to be commended. This is the type of legislation that Canadians want and deserve. It fits in with the other positive moves made in the Criminal Code. I welcome them. I would urge my colleagues to get this to the committee stage as quickly as possible, so that this very soon can become the law of the land.

Mr. Robinson: I have listened with interest to the comments of my colleague from Niagara Falls (Mr. Nicholson) who is a member of the Standing Committee on Justice and Solicitor General. He was recently elected as the vice-chairman of that committee. I congratulate him in the House on his election to that lofty position.

I would like to ask the Hon. Member a question with respect to the evidentiary provisions of the legislation. One of the concerns that has been raised about the Bill as it is presently drafted is that children should be able to communicate their concerns and position with respect to possible child abuse and sexual abuse to the courts without any intervention or any type of intelligence test.

The Bill as it is now drafted would require that the judge determine that the child in question is of sufficient intelligence before that child could tell his or her story to the court. This provision has been criticized by a number of organizations, including the Canadian Council on Children and Youth. I know that the member is a fair-minded member who approaches this legislation on the basis of its merits. I would like to ask the Hon. Member whether he, as a member of the committee, recognizes that this is a concern with the legislation. Hopefully we could, rather than insisting that judges impose some sort of intelligence test on children before they can testify, recognize that the primary concern is whether or not that child is able to communicate.

Mr. Nicholson (Niagara Falls): I thank the Hon. Member for that question. The law as it is presently drafted did not come about by accident. All of us are very concerned about the rights of the accused. Many times it is very devastating, particularly to an individual accused of a sexual crime. I have previously spoken in the House on my opinion that those who are charged with sexual offences should not have their names published in the newspaper until there is a conviction. The reason for that is that it is devastating to a person who is charged with an offence like that. In the end it did not make