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Chair

Mr. Art Hanger

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• (0900)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I'd like to call the Standing Committee on Justice and Human Rights to order.

I'll ask the committee members to take their seats and the witnesses to sit at the front of the table.

Pursuant to the order of reference of Monday, October 30, 2006, Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act is the topic of discussion today.

We have a list of witnesses. The RCMP will be appearing, but they have not attended at this point. From the Toronto Police Service, we have Kim Scanlan, detective sergeant, sex crimes unit. From the Canadian Police Association, we have Tony Cannavino, president, and David Griffin, executive officer. From the Evangelical Fellowship of Canada, we have Doug Cryer, director, public policy, and Don Hutchinson, general legal counsel. And we have Mad Mothers Against Pedophiles, Carrie Kohan, child advocate founder of MMAP and co-founder of Project Guardian. Welcome all.

The order in which you appear on the agenda is the order in which we will call you to speak, starting with the Toronto Police Service, Kim Scanlan.

You have the floor.

Det Sgt Kim Scanlan (Detective Sergeant, Sex Crimes Unit, Toronto Police Service): Thank you. Good morning.

Thank you for this opportunity. I'm pleased to be here today to share with you some of the experiences of the Toronto Police Service, specifically the areas that I oversee, the child exploitation section and the special victims section. Both areas are responsible for investigations and arrests related to sex offences against children, including Internet-facilitated crimes and street prostitution. More importantly, the goal for both sections is to identify, rescue, and support vulnerable people, especially women and children.

It must be clear from the onset that our support of Bill C-22, increasing the age of protection from 14 years to 16 years of age, recognizes that it is not intended to criminalize consensual sexual activities of young people. Our support for the passing of the proposed legislation is meant for the increased identification and prosecution of adults who choose to sexually exploit and prey on the vulnerabilities of 14- and 15-year-olds.

I wanted to look at how 14- and 15-year-olds are vulnerable. First of all, it's the increased use and access to the Internet. Young people live in the world of the Internet and social networking while most of their parents don't. Parents are not always aware of where their children are going online and to whom they are talking. They do not want their children talking with total strangers, but on the Internet it's virtually impossible to prevent. When polled by a Microsoft-Ipsos Reid poll that was released in January 2007, 25% of children aged 10 to 14 years said they would feel safe getting together with a person they've only met online.

Sexual predators have an in-depth knowledge of computers and technology. They spend enormous amounts of time in the pursuit of their fantasy, which is having a sexual relationship with a young person. Sexual predators network with other like-minded individuals and are well versed in successful grooming and luring techniques. These abilities lead to potential sexual abuse and exploitation.

Further evidence of the vulnerability of this age group has been provided to me from some of Canada's most experienced undercover officers. These officers, who represent several provinces, have spent years online posing as 12- and 13-year-olds, and they report to me. Canada's low age of consent is openly discussed in peer-to-peer chat rooms by sexual predators. Some of the men who have been arrested for possession and distribution of child pornography or for luring were conversant with Canadian law in relation to sexual offences. Canada has been identified as a sex tourism destination, and pedophiles have openly sought opportunities to meet and have sex with young Canadian teenagers, both boys and girls.

Undercover officers report that 100% of the time when online posing as a 13-year-old, conversations that are initiated with them move quickly to discussions about sex. This usually occurs in less than one minute. Some predators who believed they were actually talking to a 13-year-old boy or girl tried to maintain the relationship with the undercover officer for several months, just waiting for that youth to reach the current age of consent, which is 14 years.

Another area we looked at was a two-year review of the Toronto Police Service sexual assault arrest data, focusing on offenders who were arrested in the years 2005 and 2006, although the offences could have occurred at any time. The following results were noted. In total there were 1,956 records of arrest. These were persons who were arrested, and there were no duplications here. The offence dates range from 1965 to 2006. There were some historical cases that came forward. When looking at only the victims who were under the age of 18, 75% of their offenders were adults, and for all the victims of sexual assault, the largest groups were represented by 14- and 15-year-olds. I repeat, 14- and 15-year-olds were victimized at a higher rate than any other age group, and when you combine the two ages, they equalled over 10% of the total of 1,956 victims.

● (0905)

As we know, the reporting of sexual offences to police is very low, somewhere between 10% and 25%. If you take that number, even at 25%, for the number of victims who came forward, it means there are likely 1,500 more victims from Toronto we did not hear from, including hundreds of 14- and 15-year-olds who were likely victimized.

The passing of Bill C-22 in the courts would mean that 14- and 15-year-old victims of sexual assault would not have to contend with the issue of consent; the only question would be whether a sexual act had occurred. The responsibility for sexual exploitation would revert to the offender, and this change would make it easier for more victims to come forward.

The number of persons reported missing and last seen in Toronto was another area we looked at. In 2006 alone, there were 5,861 missing person reports, and that doesn't include any repeat runaways or other people who went missing more than once. Of that number, 14-year-olds made up over 10% of this group, and 15-year-olds made up almost 20% of this group. Both ages combined equal about 1,700 reports of missing young people who are 14 and 15 years old, just for Toronto alone.

At any given time there are hundreds of vulnerable teenagers aged 14 and 15 who run away to cities like Toronto. They fall prey to sexual predators who are eager to take advantage of them. Gang members and organized crime members recruit runaway teens to get them involved in drug trafficking and the sex trade.

Some of these youths include Canadian and foreign teenagers who are tricked or coerced and become victims of human trafficking. Most young prostitutes are well hidden, working out of bawdy houses, which are not easy for the police to locate.

Increasing the age of consent, the age of protection, to 16 years will provide some protection to younger teens who may find themselves in vulnerable situations. Efforts to gain their compliance for sex would be more difficult, and those who prey on young people would have to consider the new legal consequences.

I'd like to make a couple of recommendations that would further assist us.

We need to stress greater deterrence in terms of lengthier terms of incarceration and prohibition for those who choose to ignore our laws and prey on children.

Victims need better protection of the kind that exists for domestic violence cases in terms of speedy trials, and they need protection when giving testimony in court. Victims should not be further victimized by participating in the court process.

There needs to be funding for resources for child exploitation investigative units. Direct funding to police services that are committed to doing this work is always needed. Increased numbers of arrests and the identification and rescue of victims are directly proportional to the investment in this area.

Funding and resources are needed for community agencies to help support youth before they become victims and to provide care for them after they have become addicted or abused.

Support is needed before and after a young person meets someone who may hurt them; before and after they run away from home and end up on the streets; before and after prostitution becomes their only means of supporting themselves; before and after they develop addictions to drug and alcohol; before and after their health begins to deteriorate due to sexually transmitted diseases; before suicide seems like the best option—it brings to mind the ongoing inquest right now in Winnipeg into the case of the 14-year-old child prostitute Tracia Owen—and support is needed before they meet their untimely death.

There needs to be support for continuing education. All people must be educated on these issues: Internet safety, safe sex, communicable diseases, how to report abuse, and resources that are available.

Non-governmental agencies must be encouraged to do everything within their ability to protect our youth. Legislation should not be required to make cooperation with the police happen, but instead it should occur because it is the right thing to do.

Canada needs to be more proactive when it comes to protecting vulnerable persons, especially women and children. We have not reached our full potential and need to be doing more. Sexual exploitation in any form is unacceptable and must be stopped, using all the resources that we have available.

As the parent of two young teenagers, I feel this legislation is particularly important to me to help protect them, and as a law enforcement officer, I feel the passing of Bill C-22, the age-of-protection legislation, is a step in the right direction and one more tool for law enforcement to use to help keep Canadian children safe.

Thank you.

● (0910)

The Chair: Thank you, Ms. Scanlan.

We will go now to the Canadian Police Association and Mr. Tony Cannavino.

[*Translation*]

Mr. Tony Cannavino (President, Canadian Police Association): Thank you, Mr. Chairman.

Good morning, ladies and gentlemen.

The Canadian Police Association welcomes the opportunity to present our submissions to the House of Commons Standing Committee on Justice and Human Rights with respect to Bill C-22.

The CPA is the national voice for 54,000 police personnel across Canada. Through our 170 affiliates, membership includes police personnel serving in police services from Canada's smallest towns and villages as well as those working in our largest municipal and provincial police services, the RCMP member's association, and first nations police associations.

Protection of Canada's children has been an issue of paramount concern for the CPA and our members. In this regard, the CPA has long advocated that Parliament increase the age of consent from 14 years of age to 16.

The government included a commitment to move forward with this legislation in their justice platform during the last federal election, and we are pleased to see this commitment being delivered upon. We are also pleased to see that all other parties in the House of Commons have been generally supportive of the principles contained in this bill.

Canadians also support efforts to raise the age of consent from 14 to 16 years. In 2002, a Pollara poll of Canadians revealed that 72% of those polled agreed with raising the age of consent from 14 to 16.

[English]

Canada lags behind most first world nations in the protection of our children through age-of-consent provisions. Countries with an age of consent of 16 or higher include Belgium, Hong Kong, Finland, the Netherlands, New Zealand, Norway, Russia, Singapore, Ukraine, and the United Kingdom. Most of the states in the United States and Australia have an age of consent of 16 or higher. Many of these countries also include "similar in age" provisions to address consensual relations between young people of similar age.

The growth of the Internet has significantly increased the availability of child pornography and it facilitates attempts by pedophiles to find new victims. Unfortunately, under existing Canadian law, Canada is viewed by some foreign sex predators as a child sex tourism destination. Law enforcement authorities report a growth in the number of pedophiles who contact young people in Canada through the Internet because of the low age of consent and who then travel here for sexual purposes.

Those who would prey on our children through the Internet or other means understand that it is not an offence in Canada for an older person who is not in a position of trust or authority to have consensual sexual relations with a child of 15 years.

Although Canadian families have the highest per capita Internet use in the world, Canada remains well behind other jurisdictions in dealing with the online sexual exploitation of children. According to the Young Canadians in a Wired World survey, 99% of youth have reported using the Internet, one in four children have had a stranger ask to meet them in person, and 15% of all young Internet users have met in person at least one individual whom they first met on the Internet. Of those, only 6% were accompanied by a parent or another adult. One in four youth have been sent pornography on the Internet by a stranger.

Police officers welcome the changes introduced in Bill C-22 as another tool to help protect our children from sexual exploitation by an older person. Bill C-22 sends a message to these predators that Canadian children are no longer open game. The bill will reinforce

the way police investigate child exploitation and provide police with the needed tools to intervene when older persons seek to engage in sexual activity with children between the ages of 14 and 16.

The Canadian Police Association recommends that Parliament proceed with the swift passage of Bill C-22 to give effect to the amendments contained therein.

Thank you very much.

● (0915)

The Chair: Thank you, Mr. Cannavino.

Now, from the Evangelical Fellowship of Canada, Mr. Doug Cryer.

Mr. Doug Cryer (Director, Public Policy, Evangelical Fellowship of Canada): Thank you, Mr. Chair and members of the committee.

Mr. Chair, I imagine you are encouraged today. I believe it was in 1994 when you introduced a similar piece of legislation for the first time, and today you are chairing a committee that is looking at this legislation. I was just thinking that 1993 was the year you were elected, and kids who were born that year are turning 14. So I think this is also a significant moment in this.

To other committee members, I thank you for my perceived support of this bill.

The Evangelical Fellowship of Canada is the national association of evangelical Christians. The EFC affiliates consist of 40 denominations and over 75 ministry organizations, such as: the Billy Graham Evangelistic Association; International Justice Mission, which many of you have met with; World Vision Canada; as well as numerous street-level ministries that work directly with victims of childhood and sexual abuse. We also have 35 post-secondary education institutions and over 1,100 churches that affiliate with us. In general, it is estimated in Canada that there are over three million Canadians who consider themselves to be evangelicals.

The EFC has long advocated the protection of the vulnerable, particularly children. We were interveners before the Supreme Court of Canada in *R. v. Sharpe*, contributing to the court's decision to uphold the child pornography provisions in the Criminal Code of Canada.

The EFC made submissions to the Standing Committee on Justice on Bill C-20 in October 2003 and in April 2005 when the bill was reintroduced in the 38th Parliament as Bill C-2, an act for the protection of children and other vulnerable persons. The EFC has also made presentations to the Department of Justice and the Minister of Justice on matters of child pornography, child prostitution, and the age of consent.

Our concern for the protection of children stems from the biblical mandate to care for the vulnerable. Our belief that God has created all people in His image and loves every person is the foundation of our belief in the worth of each human being. Flowing from this respect for human dignity is our desire to treat all people as persons with inherent worth and not as objects or playthings.

• (0920)

Mr. Don Hutchinson (General Legal Counsel, Evangelical Fellowship of Canada): Children are among society's most vulnerable persons. They need adults to protect, guide, and provide for them. For this reason, legislation across Canada and the United Nations Convention on the Rights of the Child, to which Canada is a signatory, defines a child as a person under the age of 18 years. Canada's child pornography laws confirm a child to be a person under the age of 18 years.

Children's smaller size and their developing impressionable nature make them vulnerable to abuse. A child's trust is violated when he or she is abused by one or more adults. A child's sense of personhood is inherently damaged when treated as nothing more than an object to fulfill an adult's sexual desires. The Public Health Agency of Canada's paper entitled "Adult Survivors of Sexual Abuse" reports on the experience of adult survivors of childhood sexual abuse, demonstrating that the damage caused by such abuse can have lifelong consequences.

Canada's current age of consent to sexual activity with adults is low in comparison to the United States and other countries. This lower age of consent facilitates an increased level of risk for our children. Until 1988 it was illegal for an adult male to have sex with a virgin female under the age of 16. With the age of consent now 14, Canada has become a destination for people who want to have sex with children.

The EFC therefore applauds the intent of Bill C-22 to offer increased legal protection to Canadian children and youth. We regard the introduction of Bill C-22 as a strong commitment to protect Canadian children from those who would view and abuse them as sexual prey—both foreign and Canadian predators.

Mr. Doug Cryer: As Christians and members of churches, we long to see a society that avoids the early sexualization of our children. Pastors and counsellors across Canada have numerous experiences of counselling young people after early sexualization has occurred and know the damage it causes from a personal front-line perspective.

We strongly believe that sexual expression is most fully and properly experienced within the security of a lifelong marriage relationship. We will continue to promote the role of parents and their spiritual communities in sharing the values that shape youth, including understanding of their sexual identity from a Christian perspective.

At the same time, we appreciate the complexities children encounter growing up at this time in history and recognize that the close-in-age exemption expressed in the bill provides guidance to the courts regarding sexual relationships between youth.

There are some who have expressed concern about the possibility of criminalizing relationships between young people that would

otherwise, in their opinion, be perfectly healthy and legitimate. In a recent *Maclean's* article, from its July 4, 2006, edition, a writer states that:

...critics are concerned that adolescents' unique circumstances and varying developmental needs could be overlooked under the new legislation.

Then there's a quotation:

"When we deal with arbitrary cut-offs, we lose the flexibility to apply the law in a much more specific and individualized kind of way," says Peter Dudding, executive director of the Child Welfare League of Canada.

Now, we must recognize that all federal and provincial age-related legislation has what some might call arbitrary cut-offs, whether it is the age to obtain a driver's licence, the legal age of consumption of alcohol, or the age at which one can purchase cigarettes. These age-related restrictions exist because as a society we recognize the responsibility to protect our children. At what age is a person mature enough to engage in activities that may have lifelong consequences? There are health and safety risks as well as questions of maturity associated with each of these activities, which is why we have age restrictions.

Statistics Canada, it is worth noting, reports that first intercourse at an early age increases the risk of contracting sexually transmitted diseases. Those who'd had sexual intercourse by age 13 were twice as likely to report an STD as those who had waited until they were older. With Canadian government studies reporting the increased risk of STDs and other potential damage of early sexualization of our children that has the potential of lifelong consequences, it is quite reasonable that as a society we recognize that there must be limitations on sexual activity in children and youth. This bill addresses that concern.

Mr. Don Hutchinson: A society can be judged by how it treats its most vulnerable citizens. Statistics Canada notes that in 2003, six out of every ten sexual assaults reported to police involved a child or youth, although they represent only 21% of the population. It is clear from these statistics that we as a society need to do more to protect our children. Bill C-22 in effect says "hands off" and asserts this stronger protection.

A recent case that made the news involved a teacher in the United States who was convicted of sexually abusing a 15-year-old and was offered two sentencing options: jail in the U.S. or three years' exile in Canada, where an adult being in a relationship with a 15-year-old is currently legal. Clearly, there has to be more equity on this issue between these two bordering countries. Raising the age of consent to 16 years of age will provide an additional measure of protection for our children.

Yesterday's *Ottawa Citizen* reported the arrest of a Vanier man preying on young girls over the Internet. He was arrested when police were alerted to his efforts to meet a particular 13-year-old girl. What if she had been 14?

As mentioned earlier, a May 2002 Pollara survey entitled "Canadians' Opinions on Canadian Child Pornography Legislation and the Age of Sexual Consent" found that 80% of respondents expressed a desire for the age of consent to be raised to 16 or even higher.

We commend the intent of this bill, which is to protect our children from adult pedophiles and predators of pubescent youth. We strongly support the adoption of this bill into law, believing that it makes a good step towards making Canada a safer place for our children.

Thank you very much.

• (0925)

The Chair: Thank you, gentlemen.

Now I'll call upon Ms. Kohan, a child advocate and founder of MMAP and co-founder of Project Guardian.

Go ahead, Ms. Kohan.

Ms. Carrie Kohan (Child Advocate, Founder of MMAP and Co-founder of Project Guardian, Mad Mothers Against Pedophiles): Hello. Bonjour. My name is Carrie Kohan. I am a child advocate who founded Mad Mothers Against Pedophiles and I am the co-founder of Project Guardian.

I've sat in front of this committee for many years now on various bills, and I'd like to thank the justice committee again for allowing me to speak to you on this matter today.

When looking at Bill C-22, age of consent, I feel like I'm having a déjà vu, because on October 7, 2003, four years ago, I sat in front of this justice committee on this very topic. It was Bill C-20, an Act to amend the Criminal Code and the Canada Evidence Act. It was an omnibus bill that tied in child Internet porn, artistic merit, and the support of vulnerable witnesses. Each one of these topics was a very serious issue and probably should have been addressed individually; however, they were lumped under one large bill.

In my address, I spoke of my concern that having a lower age of consent combined with such lenient sentences or non-existent sentences for convicted pedophiles would lead to Canada becoming a pedophile haven, which it since has.

According to the recent 178-page report compiled by EPCAT in December 2006, it states that Canada has indeed become a destination for child sex tourism because of its relatively lower age of consent. If that statement doesn't sound alarms in the whole of the justice committee, I don't know what else you'll need to hear to create change and understand the desperate situation our children are being put in as a result of our previous lawmakers and their apparent lack of concern for the safety of our children.

I also believe another contributing factor has resulted in our country being recognized as a pedophile haven, and that is our lack of sentencing for convicted pedophiles. In the hearings of October 2003, I shared with the then Liberal justice committee the 1997 stats that showed that in Canada, 60% of convicted pedophiles get jail time and 40% get conditional releases or house arrest. Of the 60% who get jail time, the average time served in prison was only six to eight months. This is because in Canada we can't enforce our maximum penalties. If we do, they are often appealed and reversed to a much more lenient sentence.

It is not that all Canadian judges don't want to give the maximum sentence; in Canada, they cannot. If a judge even tries to give a maximum sentence it is likely the convicted pedophile will

successfully appeal his or her sentence and win, and the children of Canada and we as a society will lose. So the judge has no choice but to base his or her decision on precedent because our legal system is based on civil law.

Let's take a look at a recent conviction in the United States. According to the U.S. Department of Justice and the U.S. Attorney's Office, on November 3, 2006, a 54-year-old West Palm Beach man named James—or Jimmy—Oliver was convicted and sentenced to 130 years for just four counts of sexual exploitation and one count of possession of child pornography. The convicted man had traded child pornography online with another man and included a video of himself performing oral sex on a prepubescent child in his care. When a police seizure was made of Oliver's home, he was also found to possess images of child pornography on his computer.

On October 6, 2006, the West Palm Beach federal grand jury returned a 19-count second superseding indictment, charging Oliver with seven counts of distribution of child pornography and one count of receipt of child pornography, each of which carries a mandatory minimum term of imprisonment of five years, up to a maximum of 20 years.

Oliver was also charged with two counts of distribution of child pornography to a minor in order to induce or persuade that minor to engage in sexual activity with him. These convictions also carry a minimum of five to 20 years. Oliver was also charged with four counts of sexual exploitation of a minor for the purpose of creating child pornography, each of which carried a mandatory minimum term of 15 to 30 years.

Oliver was charged with four counts of permitting a minor in his custody or control to engage in sexually explicit conduct for the purpose of creating child pornography, again a mandatory minimum term of 15 to 30 years. Lastly, Oliver was charged with one count of possession of child pornography, carrying a statutory maximum term of 10 years. In total, Oliver got 130 years in prison.

• (0930)

The U.S. judge also imposed restitution in the amount of \$11,142 to pay for the victim's psychological counselling and a special assessment to be paid of \$500. The judge also stated that no prison term, no matter how lengthy, can undo the serious harm done to these children.

Obviously, the United States of America has a zero tolerance policy for this crime. Now compare this to Canada. Can you understand why we are considered one of the places now to come and rape children and create child pornography and distribute it from? In May 2006, a Montreal man, who must remain nameless because of our laws, assaulted his young daughter from age 24 months to 4 years of age. He posted the pictures of this crime on the Internet. He was also found to have roughly 5,000 pictures and 5,000 videos of child pornography on his computer, some of which featured very young children and infants.

By the way, this actually brings up something else that I'd like to talk about later—the police issue of sampling. That's something we have to address.

Anyway, this 32-year-old Canadian man was sentenced to a maximum sentence of 15 years in November 2005. However, he won his appeal in the Quebec Court of Appeal and had his sentence reduced from 15 years to nine years. But in Canada nine years doesn't mean nine years; it actually means anywhere from three to six years, not including time served.

When the appellate court reduced the sentence, Judge Côté cited the man's crimes were not amongst the worst sexual assaults ever committed. And they also cited his young age—not the young age of his victim, but his young age. The court also cited the fact that this man had only one other criminal conviction, for sexually assaulting another child when he was 17 years old.

Here we have two similar crimes. The convicted pedophile in Canada has a prior conviction and possesses over 1,000 pieces of child pornography and gets maybe five to six years in prison, a prison that Canadians have now nicknamed Club Fed. The other convicted pedophile, in the United States, gets 130 years for virtually the same crime, and he has no prior conviction. Where do you think pedophiles would rather commit their crime? In a country where they could potentially get 130 years in prison or a country where they can get a maximum three to six years served? And that's if they are even caught in the first place.

The previous justice committee of Canada, Solicitor General, justice minister, and prime ministers that I have met or sat before over the past eight years have effectively put Canadian children on the top hit list for pedophiles to target. The only way to correct the ineffective laws of our past governments is to create new laws that will mirror those of our neighbours, so that we will no longer be the desirable destination of choice by pedophiles.

We need to increase our age of consent to 16 years minimum. In fact, the majority of Canadians that I have spoken to, which have been many, have actually wanted the age of consent to be similar to that of the United States and other countries and be raised to the age of 18. We need to include a close-in-age clause, four to five years. We need to grandfather previous relationships of one year or more that are outside that five-year age difference—within reason, of course. We also need to be on par with other democratic countries and implement minimum sentences of five years, to a maximum of 20 years, for various child-predatory-related crimes. I would personally like to see Carrie's guardian angel law adopt a progressive timeline for this type of sentencing.

I hope this justice committee understands the urgency needed here, and I also hope that this bill and the safety of our children does not become a bargaining tool for other political parties. That would be a shameful act, demonstrating that the will of the party is not to protect the children of Canada but instead to use the bill for the party's own political benefit or gain. Whether it is within the legal means of the political party to use this bill as a tool or not, I would ask that all parties present and the members of this committee pass this bill as a selfless act and act as a united parliamentary union in support of the protection of the children of Canada from predators.

Please ask yourself how many children are being raped at this very moment across Canada because of our ridiculous laws to date and the apparent lack of protection for Canadian children. And how many pedophiles are walking away with house arrests for abusing defenceless children?

● (0935)

Take a look at the 178-page report. You will see that we are a national disgrace. Only you, this committee, can do something about it. Please raise the age of consent immediately—today—and unanimously bring forward new legislation to introduce minimum sentencing for pedophile-related and violent crimes, such as the four violent crimes we witnessed in Edmonton, Alberta, over this last year, against Shane Rolston, Josh Hunt, Dylan McGillis, and, most recently, 13-year-old Nina Courtepatte. We'll be hearing that sentencing tomorrow.

These were violent crimes. The murderers deserve more than bail and house arrest.

Thank you very much. Merci beaucoup.

The Chair: Thank you, Ms. Kohan.

Finally, I'd like to welcome the representative from the Royal Canadian Mounted Police, Staff Sergeant Mike Frizzell, strategic and operational support, National Child Exploitation Coordination Centre. I believe many of us on the committee actually visited the centre.

Mr. Frizzell, you have the floor.

Staff Sergeant Mike Frizzell (Strategic and Operational Support, National Child Exploitation Coordination Centre, Royal Canadian Mounted Police): Thank you very much.

My apologies for being late this morning. I've had a streak of bad luck recently, and I hope it didn't follow me into the committee room this morning.

As stated, I work for the National Child Exploitation Coordination Centre. I'm an RCMP member, but I work in the centre, which is part of Canada's national strategy for the protection of children from sexual exploitation on the Internet.

My job, day in and day out, is dealing with the sexual exploitation of children in Canada and internationally. Part of our responsibility at the centre is to remain current on the changing social and criminal environments in Canada so that our prevention and enforcement efforts are aligned and effective. One of our roles is to assist and enable police forces across Canada by developing training for investigators, recommending investigational standards, and identifying legislative and other impediments that get in the way of maintaining safe homes and safe communities.

In this role, we at the national centre are constantly in contact with community members, border officers, social and medical workers, and police investigators across Canada who are responsible for the investigation of Internet-facilitated sexual exploitation. Based on that consultation and my own personal experience as a police officer, I can tell you that raising the age of protection for sexual activity has frequently been identified as a desirable legislative amendment. Based on our collective experience, we believe the current age of protection of 14 is of significant detriment to our efforts to protect children 14 and 15 years old from sexual exploitation. And it is always preferable to prevent crime rather than to investigate it after the damage has occurred.

We believe the amendment being considered today will greatly assist in the prevention, deterrence, and, when necessary, the investigation of adults who sexually exploit Canadian children.

We also support that the proposed bill ensures that consensual activity between young people is not criminalized. This law recognizes that youth will explore sexual development and can legally do so with similar-aged peers. The bill properly leaves the question of sex between teens as a moral issue and not a legal one.

This bill is specifically designed to protect young teens from being targeted by adults who seek out 14- and 15-year-olds as an age group, who have sometimes physically matured but are still developing their emotional maturity. That children are still developing this emotional maturity at that age is recognized in a number of ways by protective laws that already exist. Children aged 14 are not allowed to view movies with restricted adult content. They're not allowed to drive, to get credit, to drink alcohol, to serve in the military, or to sign a legal document. However, under the current law, they can consent to have sexual activity with someone many times their age. So with the exception of sexual activity, teens under 16 years of age are presently prohibited from many activities that involve avoidable risk.

We know there are adults who pay very close attention to what the age of protection is. We go to websites and chat rooms that promote sex between adults and children and that list the age of consent for countries across the world. Of course, Canada stands out there. In one website, they define the age of consent as "the age at which you can touch your special friend without either of you getting into trouble".

To add to this, the Internet has created a portal for sexual offenders to make contact with our children in what used to be the safety of their own homes and schools. Our experience is that there is an abundance of adults online, at any given time, trying to make contact with a child for a sexual purpose.

During a recent training course we ran on Internet luring, which of course is a huge issue, 20 police officers went online in public chat rooms for one hour. Of those officers posing as children, nine received live webcam video images of masturbation, and over a dozen luring attempts were documented. Many of these officers were approached by adults wishing sex within seconds of going online.

• (0940)

Luring is rampant because of the anonymity of the Internet, which provides offenders from anywhere in the world the opportunity to

solicit numerous children at the same time without leaving their own homes, that is, until they make contact and have set up meets. Age, sex, and location are always the first questions asked, allowing offenders to identify viable targets.

Because the age of consent is 14, we often see 13-year-olds being targeted. Offenders will invest months grooming 13-year-olds, waiting for them to turn 14, when they can legally have sex with them. The Internet is such a fertile ground to meet teens, as they are using it more and more for social networking, and that networking, or that use of the computer, is often unsupervised. Parents don't know what is happening, and I'm sure you've probably heard today that a recent survey showed that 25% of children have indicated they will actually meet someone they've met online without telling anyone.

Of course, you've already heard as well that not only is domestic luring on the rise, but Canada is also being touted as a sex tourism destination. Our investigators have been on websites where pedophiles from other countries go goo-goo over Canadian pedophiles who have this law that allows them to have sex with 14- and 15-year-olds. In recent cases in Nova Scotia, Saskatchewan, and right here in Ottawa, Europeans and Americans have come to Canada for the sole purpose of having sex with a child who is 14 or 15 years old because it's illegal in their countries.

Canada's age of protection is one of the lowest in the western industrialized nations. The United Kingdom, the U.S., and Australia are noted for their aggressive efforts to combat Internet-facilitated sexual exploitation, and their age of protection is no less than 16. Canada has demonstrated a very strong commitment to fighting these types of crimes, so this age of protection bill will bring us more in line with these progressive countries.

A case last week that happened in Quebec highlights the problem with the current age of consent or age of protection. A 15-year-old girl met a 50-year-old man on the Internet. He groomed her and had consensual sex with her. Her parents found out. They turned to the police for help and were angered by the fact that we could do nothing. No criminal charges were possible. We weren't even able to get a warrant to look on his computer to see if he was grooming any other children, because that's simply allowed here.

The bill will also provide more consistency in the law. In a recent case in Alberta, an adult male took a 16-year-old girl to a hotel room, took sexually exploitive photographs of her, and he was quite rightly charged with the production of child pornography. However, had he just taken a 14- or 15-year-old girl in there and had sex with her without photographing it, there would have been nothing we could have done.

In my experience, both dealing with people in a consultative manner and as a policeman on the street, I cannot begin to tell you the number of times that I've been called by parents who are outraged that a much older person is having a relationship with their 14- or 15-year-old child. They are of the mistaken belief that young teens are already protected from anyone who is more than five years their senior. Our experience has been that Canadians believe it is illegal already for a 50-year-old male to have a sexual relationship with a 14- or 15-year-old teen. I don't mean to pick on 50-year-old males.

In conversation with the public and in our dealings with parents and victims, they are often horrified to learn that once you're 14, you're free game. This bill more accurately reflects the age of protection that we believe Canadians will accept and in fact already believe exists. This amendment will impact on the workload of police agencies because we will be able to do something about this problem now, but it will have an even greater, positive impact on our children and our families, so it is very worth it.

If this amendment is passed, the NCECC and its police partners and community partners will work to raise public awareness that the age of protection in Canada has been raised and that Canada is not a sex tourism destination.

Thank you.

• (0945)

The Chair: Thank you very much, Mr. Frizzell.

Now we are going to get to the questions immediately. First on the list is Madam Jennings.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you very much, Mr. Chairman.

On behalf of my caucus and of all my Liberal colleagues, I would like to thank each and every one of you for having agreed to appear before us today in order to express your support for Bill C-22. Each one of you asked for this bill to be passed as quickly as possible.

What would you have to say about a government which, in October 2006, received an offer from the official opposition to have this bill adopted swiftly? This same offer was repeated in February 2007 and March 2007. Yesterday, the official opposition, the Liberal Party of Canada, introduced a motion for today's opposition day, which would have, had the government supported it, had this bill we are discussing today, Bill C-22, deemed to have been passed at all stages in the House, including at third reading, by the end of the day today.

What would you say of a government which stopped the passage of a bill it had itself introduced?

[*English*]

The Chair: Madam Jennings, there's a point of order.

Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): This is despicable. We have a Liberal member who has been in this House for I don't know how long. You had 13 years to do something about it and did

nothing. The so-called offer you made yesterday has already been ruled out of order by the Speaker, meaning we cannot do it.

This government has brought in legislation to raise the age of consent, and it is unbelievably hypocritical for you to sit here today and say that somehow we're holding it up when you had 13 years to do something about it. You sat on it for 13 years; we're getting something done here.

The Chair: Thank you, Mr. Moore.

Madam Jennings, what is your question?

The Speaker has already ruled on that issue and it was out of order.

Hon. Marlene Jennings: What do you say about a government that was offered the possibility in October 2006 by the Liberal House leader, the Liberal caucus, to pass Bill C-22 with our support as swiftly as it wished it to be passed and refused to take us up on that offer? Close to six months later this bill is still before the House when it could be, if the government had wished it to be last October, before the Senate and quite possibly already enacted today. What do you say about a government and its own legislation?

• (0950)

The Chair: Mr. Petit is next on a point of order.

[*Translation*]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Point of order. I think the member from Notre-Dame-de-Grâce—Lachine is making assumptions. She's asking the witnesses to judge the government. In that case, she may as well ask them why, for Bills C-9 and C-10, you stood in the way of their adoption.

Ask them that question as well. Your question is biased.

[*English*]

The Chair: Mr. Petit, that's a point of debate. We won't get into that, but I think we'll turn this over to the witnesses who are testifying here to reply. Most of them have sat in this committee and testified before on this very same issue, so I think they have a reply they would like to make.

Ms. Kohan.

Ms. Carrie Kohan: I sat in front of this committee at least three times when the Liberal Party was in power, where we talked about age of consent. Three times we had the opportunity to raise the age of consent.

I sat down with the then Solicitor General Wayne Easter, the then Justice Minister Cauchon, Paul Martin—everyone concerned, including yourself, Madam—

Hon. Marlene Jennings: Mr. Toews and Mr. Nicholson?

Ms. Carrie Kohan: We had support from Mr. Toews, absolutely. But we did not have support from yourself or the Liberal Party regarding this.

Yesterday when we were sitting in the hearings I was watching you interact with the justice minister. It was very apparent that you would go ahead and support this bill, but you wanted something in return, did you not?

Hon. Marlene Jennings: No.

Ms. Carrie Kohan: There was some kind of...he stated that if you were to get that then there would be something else. You said, "It is within our legal rights to do that." That's when I realized that once again this is a bargaining tool. We saw it with the sex offender registry: "Give us the gun registry and you can have a sex offender registry." It was always a bargaining tool with the Liberal Party when it came to children's rights .

Hon. Marlene Jennings: Thank you, Mrs. Kohan.

I find your reading of the facts quite interesting.

I'd like to hear from Mr. Cannavino.

[*Translation*]

Mr. Tony Cannavino: I had no idea this morning that I would be sitting in on a debate as though I were an elected representative in the House of Commons. Thank God, I've tried to avoid that as much as possible. You never can tell what the future may hold, but let's just say that that is not the part I find most interesting in the work of Parliament, although sometimes, when I hear the debates I would like to get involved.

We have been doing this for years now. Perhaps you noticed that our presentation this morning was quite brief. It was intentional on our part, because we knew that there would be representatives from other associations which were going to point in every way possible to the necessity and the urgency of adopting this bill. You frequently hear from us and we get the impression that we are the ones driving all of the issues. Although I'm not surprised, I must say that I am pleased to have heard from representatives of various associations and police forces.

As to what may have happened in the past, I repeated on several occasions... Some may at times think that I am a prophet of doom, predicting bad things to come, pessimistically predicting the future. Look, there is an opportunity here to do something now. Regarding what happened in the past, I continue to hope that one day, it will end. We need strong legislation to protect our youth. Our youth are our future. Yet, they're being exploited. I cannot fathom the idea that Canada would be considered a haven for sexual predators. I would go even further than that. Every time I grant an interview, it drives me crazy: the Criminal Code refers to sexual offenders. Offenders! These are sexual predators. In the Code they are called offenders. This has got to stop. At some point we're going to have to stop saying that we don't want to imitate the Americans, the United States. I couldn't care less about that comparison. I'm talking about our youth, young Canadians whom we have a duty to protect. It is time to act. It seems to me that there is a consensus here. I do not want to get involved in your discussion as to how long, how many months, how many years this issue has been dragging on. I simply hope that there will be consensus within this committee to pass the bill swiftly.

We are also dealing with the age of consent and harsh minimum sentences. We must send a message to those who think that if they come here they can avoid the type of punishment they would get in other countries, that Canada may even be a country where they could serve their time in the community. Ms. Kohan was very explicit on this point: the Americans would be locked up for years. Yet, they come to shopping malls in Canada to recruit. There are limits!

I often hear comments about people going to the Dominican Republic for sex tourism. It is weird, but now, in other countries, people are talking about Canada in those terms. When people talk about sex tourism, Canada is now on the list of destinations. This has to got to stop.

● (0955)

[*English*]

The Chair: Thank you, Mr. Cannavino.

Thank you, Ms. Jennings.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Cannavino, I will carry on with you, if I may. There are two aspects to your brief. First of all, you are raising a very important argument when, on page 2, you state that in the end there are a number of countries that have raised the age of consent. What I find interesting is that it is not a left-right issue. I might mention here countries like the Netherlands, Norway, Belgium, which have progressive social policies. You have clearly told us this morning that the issue of the age of protection is not a political one, but one that involves the safety of children. I thank you for having made that argument, which is very significant from my perspective.

As you know, the Bloc Québécois supports the principle of the bill. What I want to understand, however, is what the shortcomings are of in existing provisions of the Criminal Code concerning luring a child. You will agree with me that these provisions are rather contemporary. What are the shortcomings and why are there not more charges laid?

I also want statistics. You must admit that even if we support the bill, when the minister appeared before us yesterday, for example, he did not have much information to give us. I do not object to the bill being passed as quickly as possible, but it is our job as legislators to support it on the basis of convincing and conclusive evidence. We do not want to keep to generalities.

What is happening that is making Canada such a welcoming haven for these people who, on the Internet... The common thread in all of your testimony is that the gateway in the area of sexual exploitation seems to be the Internet, the computer. How is it that we have had provisions on child luring since, to my knowledge 2002 or 2001, and that we find ourselves in a situation such as the one you described in your brief?

Mr. Tony Cannavino: There are various and rather complex reasons for that. That is indeed the reason why we say that it is not enough to simply increase the age. It is very important to increase the age of consent from 14 to 16, because 14 is really a very young age, at which people are vulnerable. Furthermore, our witness from the RCMP stated earlier that people are still children at that age and they have not yet reached a level of emotional maturity. At the age of 16, there is a chance that the person has moved on to another stage of their adolescent life where they are more prepared to assert themselves and are more aware of the dangers that lie in wait. There is that aspect.

We must also have stiffer sentences. Obviously, we must ensure that the people who will still try to lure these youths will not find themselves in a system that sentences them to two years in prison.

Mr. Réal Ménard: Under the Criminal Code, at this point in time, what is the sentence for child luring as far as you know?

Mr. Tony Cannavino: It is a maximum, but there is no minimum. The other problem we are targeting and that we were explaining is that in our system, time spent in detention before sentencing counts double and even, in certain places, triple. Therefore, we find ourselves with people who have been sentenced to 2 years, to 18 months, to 3 years, and because they have had to wait a year or a year and a half before getting to court, they are free the day after their sentencing.

Mr. Réal Ménard: I agree with you that that makes no sense.

Mr. Tony Cannavino: We must also determine what the allowable age difference would be. We do not want to criminalize or judicialize relations between young people. On the other hand, we must ensure that the age difference is not too big. Let us say that the age difference was five years: a 16-year old going out with someone who was 20 or 21, at the most, would be in the normal range. Beyond that, we run the risk of there being exploitation, given the different levels of maturity between the two people. That is why we said in our presentation—

• (1000)

Mr. Réal Ménard: Therefore, the luring of children on the Internet component was not very useful in the face of the phenomenon that you described. I agree that we should add new provisions to the Criminal Code, to change it, but I am surprised that this phenomenon is so rampant on the Internet when child luring charges can be brought.

Mr. Tony Cannavino: That is the easiest thing. In fact, this gentleman gave the explanation why. Go to the chat rooms and simply pretend that you are a young person; you should do the experiment. What he said is true, it is astounding. A few seconds after having hit “enter”, you’ll get a response, a hit. It is unimaginable. Therefore, there are some who feel they are protected.

First of all, they do not feel exposed because they do not identify themselves, there’s no camera, and the first steps are anonymous. The luring must be done by the police; they must try and trap the person. And so, it is a backwards process. These people feel free to exploit because there is no coercion, the punishment is not severe, and they are targeting children who are 14 years old. The first thing they will say is that they did not know the person was only 13, but the difference between 13 and 14-year-olds is not great; they are children.

Mr. Réal Ménard: I believe the person beside you wants to say something.

Did you want to speak to the issue, or should we give the floor to the RCMP?

[English]

Ms. Carrie Kohan: I just want to add something about conditional sentences. That is an issue with pedophilia. We have so many pedophiles who are convicted and literally get house arrest. So what do they get to do? They get to stay in their houses with their computers and have access to the Internet yet again.

We would really like to see a minimum sentence brought in along with the raising of the age of consent, because those two together are the only way we’re going to be able to combat the issue that we are now a pedophile haven.

[Translation]

Mr. Réal Ménard: If someone like that is in the community, a judge should ban the recognized pedophile from having access to a computer.

[English]

Ms. Carrie Kohan: Yes, but then you’re putting a pedophile back into the community and he has access to children. Then you have another issue where you need to have parole officers and more staff to monitor. We are now a pedophile haven, and in order to combat that we will have to get hard on this crime, because everyone else around us already is.

The Chair: Just very quickly, Mr. Cannavino.

[Translation]

Mr. Tony Cannavino: If we do not set any conditions, such as minimum sentences, for example, I’ll give you an example of what will happen before the courts. It will not be a mandated reaction, it will depend on the goodwill of the presiding judge. And we see all kinds! The best example would be that of the murderer of Valérie Gignac. A judge had banned him from being in possession of a weapon for a period of ten years, except during the hunting season. So when we talk about the Internet or a computer, I would say to you that not everyone... Not everyone sees things the same way. Some people’s logic is very skewed.

[English]

The Chair: Thank you, Mr. Cannavino.

Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Could I ask each one of you if you were consulted by the minister’s office or the Department of Justice before this legislation was tabled in the House?

Mr. Cryer, were you consulted?

Mr. Doug Cryer: No, we weren’t consulted. Raising the age of consent has been a longstanding policy of the EFC for a number of years.

Det Sgt Kim Scanlan: I believe the Toronto police have worked with former justice minister Toews on this, but not me, not recently.

Mr. Joe Comartin: Ms. Kohan, I know you were, because you here with the minister yesterday.

Mr. Cannavino, I assume you were as well.

Mr. Tony Cannavino: It was the other way around. We were for years advocating for this—

Mr. Joe Comartin: No, I’m just asking specifically for this piece of legislation.

Mr. Tony Cannavino: No, we advocated for years.

S/Sgt Mike Frizzell: Yes, we were.

• (1005)

Mr. Joe Comartin: Thank you.

Ms. Kohan, I'm going to address this to you and Mr. Cannavino.

You both are obviously strong advocates for mandatory minimums on these kinds of crimes, using the U.S. as a model. I'm sitting with this paper I have spread here, with all sorts of statistics that say to me that in spite of all that experience in the United States over the last 20 years—because that's about when it started there—in fact the crime rate in this type of crime remains higher than it is in Canada.

I want to be clear, and I think you know I'm supportive of the increase in the age. As you said, Ms. Kohan, it is one of the tools we need.

While it may be blunt, I think both of you are over the edge on your advocacy in terms of supporting that kind of model. There are models in western Europe that seem, from the statistics I'm looking at, to have been more successful in that society in bringing this type of crime under control as much as we're capable of.

Ms. Carrie Kohan: We have to look at the population base as well. The population of California alone is the same population as that of Canada combined. So when you're looking at the statistics, I don't think you can compare apples to apples there, as far as the population base is concerned.

Mr. Joe Comartin: I'm not dealing with absolute numbers. I'm dealing with percentages, and on a per capita basis it's significantly higher in the U.S., and it remains that way.

Ms. Carrie Kohan: Maybe there has been more money to actually implement studies. Yesterday, Mr. Comartin, you were actually quoting from the American studies, because we, in Canada, haven't put money toward studying this crime the way we should. I think if we were to actually fund proper studies, we would be appalled at what an epidemic this really is in Canada.

Mr. Joe Comartin: I do have figures that show the same in Canada. The *Juristat* figures are there.

Mr. Cannavino, do you want to say anything?

Mr. Tony Cannavino: Every time somebody comes up with statistics, I question what the methodology was for those statistics. How many investigators did they have? How many resources?

When we talked about the United States, it was as an example of sentencing for the same kind of crime. I don't want to make a comparison with the United States. But what we live here, what we see, what we hear, and the information we get from our police officers who do investigate those cases.... If you go on the Internet, you'll see what the officer here was saying. You'll see it. They will mention that Canada is a haven for sexual exploitation.

Mr. Joe Comartin: Well, Mr. Cannavino, that flies in the face.... If you understood the psychology of pedophilia.... The candidate for victimization that is preferred is younger and younger, not older and older. I have to say to you, in terms of how statistics are gathered, all the information from the institute that Ms. Kohan referred to is gathered from anecdotal evidence. None of it is based on survey or statistical analysis; it's all anecdotal.

I have to say to both of you, as long as I'm sitting on this committee I'm not going to be pushing for legislation that's based on

anecdotal evidence. I want some hard science, some hard statistical evidence.

Mr. Tony Cannavino: Well, maybe instead of statistics you should spend a little bit of time—

Mr. Joe Comartin: Do not do that, Mr. Cannavino. My background in sexual and child abuse is more developed than yours.

The Chair: Thank you, Mr. Comartin.

Mr. Tony Cannavino: Probably you saw a lot of those pedophiles.

If I may, Mr. Chair, this is a serious thing here. It is always based on statistics and things like that.

I am pretty sure that police services would give you the opportunity to sit down for half an hour to see the reality of how it is today. Maybe 20 years ago it was different, but sexual exploitation has changed in 20 years. Okay? What you've studied in the past is not the same.

The Chair: Thank you, Mr. Cannavino.

Mr. Joe Comartin: Luring is in the luring. It is not going to be resolved by legislation. That's going to be resolved by us giving you the tools, as we saw from the work the OPP and the City of Toronto did, in terms of their getting the technological equipment in their hands.

We learned in the last session here that this was a major step forward.

• (1010)

Mr. David Griffin (Executive Officer, Canadian Police Association): What happens when these people are arrested? That's our issue. What happens once we actually intervene? We don't have the support of the courts or, with due respect, some parliamentarians, on how we deal with these predators when we actually get them.

The Chair: Thank you, Mr. Comartin.

Mr. Comartin actually brought up a point that I think is relevant, in the sense that we have stats here in this country dealing with a specific crime. South of the border the age limit is two years higher. The stats are obviously going to be different.

Can you actually make comparisons in doing that, and have there been any studies to look at that age group between 14 and 16, which is what they have done south of the border because they have closer access to the court data than we have here?

What are we relying on here, between those ages, so we can see how prevalent this crime is? Is there a record kept by the police? Have there been studies done?

Maybe Mr. Frizzell can answer that question. I do not know.

S/Sgt Mike Frizzell: The fact of the matter is it is not a crime; that's why there are no statistics.

The Chair: No stats.

Are there any studies, though?

S/Sgt Mike Frizzell: None that we have done. I am not a researcher and I don't know how you design a study, but we score it as "assistance, general public". When a parent calls to say their 15-year-old is dating a 40-year-old and has moved in with him and they are very worried about her, we score it as, "assistance, general public". We go to talk to her perhaps, if we're not too busy. But there are no stats, I am afraid.

The Chair: Okay. Thank you.

Mr. Moore.

Mr. Rob Moore: Thank you, Mr. Chair.

I'm not going to ask anyone to comment on this. I'm going to use my time to say I've only been here almost three years and the display I saw... I'll exclude Mr. Murphy because he wasn't here, but Ms. Jennings was here all along. I've never seen a display like that. The height of hypocrisy. And again, I'm not asking any of you to comment on this, but when I hear the testimony that you presented today, I don't see how anybody could be against raising the age of consent from 14 to 16. I don't see how anyone could be.

We know from the past that it wasn't done. It's not time to do it now; it's past time to do it. It should have been done years ago. So for anybody to suggest that other members ever supported raising the age of consent, it's entirely untrue.

There's more to this puzzle than just raising the age of consent. I recognize that. The story, Ms. Kohan, that you mentioned about the individuals...we hear those.

There was something Mr. Comartin said about how he expects us all to understand the minds of pedophiles and so on. No. The anecdotal evidence is legitimate. We were all here, as parliamentarians, in Ottawa when, in Ottawa, someone came up here from Texas, where the age of consent is 16, based on a relationship that was developed over the Internet, to have sex with a 14-year-old. His parents were just as shocked as the rest of us when the police said, there's nothing we can do. We can't charge this person for that act because that act was consensual. It's not illegal.

On the issue of Internet luring, we had the opportunity in this Parliament on our Bill C-9.... If there's ever an offence for which I think someone should not receive house arrest, it's Internet luring, because that's where people access the Internet; it's from their homes. If they're in prison, it's controlled. If they're out on the street, then they're going to get access again to a computer. We had within our grasp, in this Parliament, with Bill C-9, the ability to have eliminated the possibility of conditional sentences for Internet luring. I'd like some comment on that, specifically on Internet luring.

I'm going to hit on a few things, and then you can comment.

Some of the evidence that we're hearing today about how fast someone.... It's like sticking a hook in a pool full of fish, almost, with these folks who are preying on kids; they're just out there on the Internet waiting for a 13-year-old to log in.

I met with a police officer from my home town. It was interesting. It's a small police force, the Rothesay Regional Police Force. There are only 20-some members, but they do have one person now who's dedicated to combatting child exploitation on the Internet. He told me that if he got online for a minute or two and put himself down as

a 13-year-old girl, which he does all the time, then within minutes someone would be trying to webcam with him. I'd like your comment on that.

Also, we hear the anecdotal evidence, and some of you have alluded to it. It's completely unacceptable that Canada, because of our age of consent, would ever be seen as a child sex tourism destination. Do you have any more comments on that, on people coming to Canada to prey on our kids? I'll tell you, after the testimony we heard from you today, there are going to be people coming here to this committee to suggest perhaps that we're going too far and we shouldn't raise the age of consent.

As much as everyone sounds very positive now, it won't be the same tune when we have a different panel of witnesses, I can assure you of that. We are going to hear evidence from people who say we shouldn't raise the age of consent, and I would like to know what you say to them.

•(1015)

Det Sgt Kim Scanlan: If I can jump in here, I have a unit of 14 members dedicated to nothing but child exploitation investigations day in and day out. It does take a toll on them, and I want to recognize that, but I can tell you that every day of every month in this year for peer-to-peer exchanges of child pornography in this country, we could make an arrest every single day.

As far as luring goes, right now there's a class of 20 officers from across Canada who are getting educated on how to do this kind of undercover work. They'll all leave with targets—20 officers with 20 targets—before the end of next week. It's very easy; it's that simple.

But we're underresourced. There are only so many people in Canada right now who are looking at this. Right now we're thrilled to have the size of the units we do, and that's why the statistics are not there, but once you get someone for luring, and you have the whole court process to take them through.... We also have forensic challenges because our forensic people, our technicians, are overworked.

We could bring to you as many arrests as we could possibly handle, and I think that's where we're at. We just don't have the resources to be doing more. With more people, more funding, you would see even greater results, and that's very unfortunate.

Mr. David Griffin: I would just like to add that I think the witness makes a good point in saying that when comparing statistics, it's dangerous to look at those statistics without first evaluating some of the contributing factors. In this case, I would suggest that if you were to double the number of investigators, you would see double the number of charges being laid for the types of offences that exist now.

It's very difficult to take those statistics at absolute value and suggest that in some way in Canada the rate of pedophilia or the rate of assaults on our children is somewhat lower. Certainly the rate of our being able to intervene is lower, but there are a number of factors. We see Bill C-22 as addressing one of those factors.

Mr. Rob Moore: Mrs. Scanlan, you mentioned this, and it is something this other police officer and I talked about: the toll this takes on people who have to work with it.

Ms. Kohan, you mentioned the sampling of the evidence. This officer said to me, "Look, I see this stuff all day long." It's stuff that probably people around this committee haven't seen, so we very much are looking at things in the abstract on what's on the Internet. Even the judges who are hearing cases do not want to see all the evidence. They want to see a sampling of the evidence, but they don't want to see everything the police officer has to see.

This is all in the context of this bill of child sexual exploitation. Someone hit that nail on the head. A 14- or 15-year-old does not have to prove that he or she did not consent. That's what this bill does. It says that our 14- and 15-year-olds are off limits to people, whether they're in Canada or coming to Canada to have relationships with teenagers. It says that 14-year-olds and 15-year-olds are off limits.

Perhaps someone could comment on that, on the toll this takes on police officers who have to deal with it every day.

Det Sgt Kim Scanlan: We monitor it very carefully. In fact, I think most police agencies across Canada right now are recognizing that our officers need support, so psychological support is being built into our governance and what we do and how we have them there—but it's etched in their memories, whether it's an audio or a visual image, and I don't think they'll ever forget it.

What we do now is try to get judges to see this in the courts. You're right, they're really averse to it; they don't want to, but we tend to find that those who do sit and listen give the better judgments—a greater sentencing.

• (1020)

The Chair: Go ahead, Mr. Frizzell.

S/Sgt Mike Frizzell: On the note of future witnesses, I've been a police officer for 17 years now, and I've only been doing this for a year. I've worked in serious crime my entire career. I had no idea, no concept, of how bad it is and how many predators were out there wanting young children or young teens—no concept.

When you're talking to future witnesses, I would ask that you ensure they have done their homework, and that they're not talking from an emotional or "this affects me, so therefore it's bad" type of view. This is for the greater good of our children.

I'll tell you that there's one group that is very interested in this debate and is hoping that you don't change the age of protection. I would ask you to keep that in mind as well.

The Chair: Thank you, Mr. Frizzell and Mr. Moore.

Mr. Murphy is next.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Thank you, Mr. Chairman.

I am relatively new to this. I am, however, a father of three young girls. I was in civic politics for 12 years, so I understand community mores. I understand police forces. We had a municipal force and then we had the RCMP. I lived all that, and I've never heard a police officer, especially one representing a group, use the phrase "We don't have the support of our courts". I'm going to follow up with that privately through correspondence.

I understand that there was a *res gestae* here, and an emotional angle and a context, but be assured, Mr. Griffin, I want to follow up with that and not waste time, as we seem to have done a little bit here—wasted a little bit of time on the politics and the emotion. It's an emotional issue; I understand that.

As I understand it, this bill comes here for the first time with a close-in-age exemption of five years. I may be wrong about that, and I'll stand to be corrected, but it makes it very easy, from my point of view, to support. I think we should just bring a consensual motion, forget the rest of the testimony, and pass the bill. That's what I think we should do, and I might bring a motion to that effect, Mr. Chairman.

On some of the facts, Mr. Comartin, who I think was.... I mean, I'll fight the NDP any time, but I think he was unfairly attacked for saying that it would be nice to have some facts. I understand that there's a dark hole there for which you can't get the statistics.

[Translation]

I think it is important to mention that saying that Canada is behind all of the other industrialized countries on this issue is not really true because France, Italy and Germany, for example, which are western industrialized countries, have similar rules and a similar age of consent. We are now about average and we are turning in the direction of the United States and of Australia. That is good, but it is good to state the truth.

[English]

I understand that we're right in the middle. I understand that the Criminal Code was enacted at the age of 12 and things change. This is where we are.

I'd frankly like to know this, especially from the police investigating witnesses. The context of this seems to be that we're facing increased danger. I don't doubt that.

As long as my little girls are on Club Penguin, I'm okay. I understand that. I don't have shares in Club Penguin, but I should. I think they take something from my credit card every month.

The point is that it's the Internet and it's computers. What more could we do legislatively for future work to clamp down on it, whether it's a telecommunications thing or resources?

I heard you speak on resources. I know all about resources for the police. I've lived through that too, with the budget, fighting with the RCMP to get more men on the street.

What could we do to crack down on the real source of this, which is the Internet?

I'll start with the RCMP.

My compliments to you. The force was incredibly successful recently on an international scale in this regard.

S/Sgt Mike Frizzell: There's presently a federal-provincial-territorial cybercrime working group. I think they'll actually deliver a report in the next month that has a whole herd of legislative tweaks, amendments, and practices within it.

The biggest thing with the Internet is that it's the final frontier. It's the law of the jungle. It was fine ten years ago, when you had power users on the Internet. It was long before children knew how to use a browser. They're very savvy when it comes to making social networks and making icons bounce, but they're still emotionally the same as they've always been.

They're put on this information super highway that has no rules. We have rules all through society to protect our children, but once it comes to the Internet, there are none.

It's not really part of this, but because you asked, there needs to be some regulation of the Internet to put rules in place to protect children when they're on the information highway as much as when they're on the paved one outside our doors here.

• (1025)

Mr. Brian Murphy: Do you have any specific suggestions as to legislation?

We have a three-year-old Internet luring law, and I don't know how it's doing. We've had some evidence on that.

Maybe it's not a justice issue, but it's a telecommunications issue. I don't know.

Mr. Tony Cannavino: I don't think it's only a telecommunications problem that would be resolved in only that way. I think he explained it very well.

We're waiting for the report. It's going to be very interesting to see what they recommend. But it still leaves us having to protect our kids through criminal legislation.

Mr. Brian Murphy: It's certainly part of the puzzle.

I have half a minute or 30 seconds left.

The Chair: Ms. Scanlan, go ahead and comment.

Det Sgt Kim Scanlan: In relation to something else ongoing right now, there is privacy legislation.

For instance, in the case of a live abuse situation, it's vital for us to have the IP address of the offender so we can act quickly to get to the location to save that child. We're facing some problems right now with some Internet service providers who feel the legislation tells them they shouldn't share this information with the police. It's very problematic.

We'd like to make sure that door stays open to us so we can act when we need to.

The Chair: Thank you.

Ms. Freeman.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): First, I would like to thank you for your presentations. It was truly very interesting, especially since the issue has been examined from various angles, including information. I see here many professionals,

starting with Mr. Hanger, who has already presented all of that, Ms. Kohan, who appears to know the justice committee well, and Mr. Comartin, who knows a lot about the subject.

Personally, I was only recently elected. I am a bit like Mr. Frizzel, who said he has been impressed, for a year, by the scope of this problem. As a new member of Parliament, I don't have all of that baggage and I am not familiar with all of the disputes between the parties or all of the negotiations. I have not reached that level.

I am a mother. I have a 14-year-old son. For a number of years, I have been a member of the Quebec Bar, so I am a lawyer. I never imagined that the problem described this morning was so far-reaching. I hear a lot of talk about the Internet. People didn't talk about the ways in which girls were exploited before the Internet came into being.

As for the Internet, as the mother of a 14-year-old boy, it raises questions in my mind. I had never discussed this with the committee, but this morning, these issues concern me personally, as well as in my capacity as a representative of many constituents and fellow countrymen. How can we protect our children? My 14-year-old son asked me for a new computer for his birthday. Everything I am hearing leads me to wonder whether there are plans to provide any training on this. The question now is how to catch the predators, but we know that we can only catch a very small number of them.

What I said yesterday by way of preamble to the justice minister could be summed up as follows: it's all well and good to criminalize, to raise the age and all of that, but what matters is educating our children. What steps are we taking? You can try to change the whole judicial system, but what is being done to protect them?

Many young people can surf the Internet far more easily than I will ever be able to. The police should inform them and educate them, shouldn't they? Do you have any programs like that? It's all well and good to hunt down predators, but we have to educate young people and explain to them what exploitation is, so that they don't fall into the trap.

Mr. Tony Cannavino: You raise a very good point: education.

Mrs. Carole Freeman: Yes, but that's what being neglected. I find that these days, we're avoiding the problem.

• (1030)

Mr. Tony Cannavino: In my opinion, the fact that you have raised it is already a start.

Mrs. Carole Freeman: It's the mother in me who is talking; it's neither the parliamentarian nor the lawyer.

Mr. Tony Cannavino: Parliamentarians have lives too. They don't just sit in the House of Commons.

Mrs. Carole Freeman: I certainly hope so. We all have our own baggage.

Mr. Tony Cannavino: Education in the schools is important, but parents also have to be educated. Young people have an easier time using the computer than their parents. In fact, the parents often ask the kids how to surf the Internet.

There are a number of ways of going about it, as some arrangements show. It's not a cure-all, but one way is to take the computer out of the young person's bedroom and set it up in the living room, for example, or in another room that is accessible to everyone, so that the child is not isolated. It is when the child is isolated that he or she starts visiting sites that should perhaps not be visited. That way, an adult can always watch what the child is doing.

Mrs. Carole Freeman: Excuse me, Mr. Cannavino, but I see that you are giving me some advice—

Mr. Tony Cannavino: No, I am repeating what was said.

Mrs. Carole Freeman: That's just fine, but I believe that we do not resort to national public networks, such as television. I heard that the government earmarked millions of dollars in the most recent budget to fight this problem. Will these funds enable us to inform parents and children by placing television ads and notices? I'm talking about a sort of alert system.

I myself am a mother, and I know that most parents believe that the problem will not affect them. One always assumes that it's the neighbour's problem, not ours. But in short, the deficiencies are in training and education.

Mr. Tony Cannavino: I hope that will be raised by parliamentarians. Once this bill is adopted, you can add new components. You will recall the *Just Say No to Drugs* campaign and MADD's campaigns about drinking and driving. Parliamentarians should make sure that an educational awareness campaign is launched. We have to make sure that these awareness campaigns are not broadcast exclusively on radio or television, but also disseminated in our schools and through programs similar to the *Just Say No to Drugs* campaign. These campaigns should also include a component explaining the situation to adults.

Mr. Moore made a suggestion. After having heard all of our witnesses, it would be interesting for you to spend an hour and a half in one of the cybersex squads. You can do so if you make a request. You would be even more up-to-date on the issue, in addition to all of the testimony presented by the stakeholders who appeared before you. When you come out of that room, you will not be able to believe what you have seen.

[English]

The Chair: I believe Mr. Hutchinson wanted to reply to your comment as well, if that's all right with you.

Mr. Don Hutchinson: Ms. Freeman, I'm imagining that you, like me and many in this room, are a lifelong learner. As a father, as an ordained minister, as a certified counsellor, and as a lawyer, I encounter a number of people who are dealing with the educational aspects of this information.

Children receive the information in high school, and sometimes in earlier grades, that it's legal for them to engage in sexual activity with an adult at the age of 14 years. It's taught in their sex education courses in the province of Ontario as part of their curriculum. It's also taught in the introduction to Canadian law course in the province of Ontario. They also are taught that as young as 12 at this point in time, they can engage in sexual relationships based on current close-age exceptions. The education component is being handled, at least in Ontario, through the provincial curriculum.

I think if this Parliament raises the age of protection to 16, that, too, will be taught in the curriculum, and it will grant a greater measure of protection to our children, who are now in a position to come home and tell their parents they have nothing to say about their getting involved with a 24- or 25-year-old, who has more money than they, at 14, could imagine to spend on wining and dining them.

The Chair: That's interesting. I know that probably brings a lot of other questions to mind, but I do have other people who need to get on this list to speak.

Mr. Petit, you're next.

• (1035)

[Translation]

Mr. Daniel Petit: Thank you for appearing before us this morning. I am also a new MP. I have been serving for barely one year as an elected official. I come from the region around Quebec City, and I am a Conservative.

I admire Ms. Scanlan for her testimony. You come from Toronto, which is made up of 22 ridings represented by 19 Liberals, 3 New-Democrats, and no Conservatives. You live in a region where it is very difficult to express your ideas because some people say that we are idealists. Protecting children is not an ideology, it is our duty as parents.

Mr. Cannavino, you probably come from Montreal. Montreal is dominated by the Liberals and the Bloc Québécois. There are no Conservatives. You also live in an area where it is very difficult to work.

Ms. Kohan, I don't know where you come from, but something very important you said intrigues me.

[English]

The Chair: A point of order.

[Translation]

Mrs. Carole Freeman: I'm wondering if Mr. Petit is not in the midst of delivering a political speech on the Conservative and PQ trends in Quebec. That isn't very relevant to this discussion. This bill is very serious.

Mr. Daniel Petit: Exactly, it is very serious. My question is a follow-up to the one asked by the member for Notre-Dame-de-Grâce—Lachine.

[English]

The Chair: What's your question for the witnesses?

[Translation]

Mr. Daniel Petit: Earlier, we asked you what you thought of a government that did not do this or that. What do you think of Bills C-9 and C-10? C-10 included minimum sentences, particularly in cases involving luring. The piece of legislation was castrated, as Mr. Ménard said on the CPAC television channel.

What do you think of Bill C-9 and conditional sentences? Bill C-9 that has been completely gutted. We have two major pieces of legislation. How can you expect, even with Bill C-22—

[English]

The Chair: There is another point of order.

Hon. Larry Bagnell (Yukon, Lib.): Those aren't the bills we're discussing now.

The Chair: I know they're not, but the member's time is as he feels fit to use it. If it's not on topic....

Pardon?

Mr. Derek Lee (Scarborough—Rouge River, Lib.): I'm sorry, I interrupted.

Hon. Larry Bagnell: You used to say we have a relevance rule.

The Chair: Yes.

Hon. Marlene Jennings: And where is the relevance?

The Chair: Mr. Petit, put your question. Your time is almost up. [Translation]

Mr. Daniel Petit: Ms. Kohan, you stressed that you did not entirely agree, because even with Bill C-22, conditional sentences are not imposed on those cases. The sentences are too light. You gave us many examples.

Ever since I started sitting on the Standing Committee on Justice and Human Rights, as soon as the United States is cited as an example, we are told that we should not do what the Americans are doing. But what are we doing? Are our children any different from American children?

I would like to know your thoughts on this. You gave us several examples, and I would like you to elaborate on this subject.

[English]

Hon. Marlene Jennings: I have a point of order, Chair. I believe Monsieur Petit has made an incorrect statement that every time a bill that might be based on an American model comes here, members of this committee say no, we can't use the American model.

The Chair: Well, maybe it's his opinion, Ms. Jennings.

Hon. Marlene Jennings: It appears that Bill C-22, which would raise the age of consent from 14 years to 16 years.... There has been testimony that many states in the United States have 16 as the age of consent.

The Chair: I don't see that as a point of order.

Hon. Marlene Jennings: We're in favour of Bill C-22; therefore we're not rejecting an American model.

The Chair: It's not a point of order, Ms. Jennings.

Hon. Marlene Jennings: Oh, I apologize then.

The Chair: The witnesses would like to reply.

Ms. Carrie Kohan: Well, there are a couple of issues.

First of all, we often hear comparisons to Europe. Borders around European countries don't share the same land mass that we do with the Americans. And yes, we do have to look at the sentencing in America, because it is reflective on our own community. If we don't keep up with the sentencing next door, we will have a pedophile haven. That is the situation we're finding ourselves in today.

We have to look at the 130-year sentencing that is predominant with our neighbours. You'd get three to five years here for that same crime.

● (1040)

Mr. Joe Comartin: That's ridiculous.

Ms. Carrie Kohan: That is the sentencing they're getting, though.

Mr. Joe Comartin: I know, but it's ridiculous.

Ms. Carrie Kohan: Well, if you were ever, you know—

Mr. Joe Comartin: But 130 years is ridiculous.

Ms. Carrie Kohan: The fact is that the pedophile will be behind bars forever and never have any effect on another child again. That is the purpose of it.

We don't have that kind of situation here. It's a revolving door, where pedophiles come into the system.... We don't have resources that support the police, for instance, sampling.... You know, with child pornography, if it's not a criminal act then you have to discuss whether it is a criminal offence. It's ridiculous that we don't support the police system the way we should. We don't have the resources for them, and we don't look at this seriously.

I've heard from many members here that you are fairly new to this crime and that you had no idea of the epidemic level we're at. Sergeant Paul Gillespie, who was Kim's predecessor, would come here and actually show samples of child pornography. It was on a voluntary basis, and a lot of ministers and members would not show up.

I would like to ask you, the justice committee, to actually have Kim give a presentation and show you what we're dealing with. How can we make an educated decision without knowing what we're actually dealing with? And yes, they're horrific pictures.

When I started 10 years ago, we didn't have cybertips. People would send me child porn on the Internet and say this is what their daughter found online and what can they do about it. I can tell you that 10 years later I can still hear the little girl's cry. I can still hear her pleading for her life. You have to see what it is we're actually dealing with in order to make an educated decision. So I would ask that you do that.

The Chair: Mr. Cryer.

Mr. Joe Comartin: A point of order, Mr. Chair.

The Chair: Mr. Comartin, on a point of order.

Mr. Joe Comartin: Just so that we have the facts on the table, that material was distributed before the justice committee in the last Parliament. Most of us in fact did see it.

On a personal basis, I saw that kind of material in some of my cases going back 20 and 30 years.

The Chair: Thank you, Mr. Comartin.

Ms. Carrie Kohan: I don't think everybody has seen it here, though.

With your background, you've obviously seen it.

The Chair: That's fine, Ms. Kohan.

Mr. Cryer.

Mr. Doug Cryer: I recognize the importance of the justice issues in this, and they are very important, and I appreciate what I'm hearing. As well, I'd like to remind committee members that this is also about a community standards issue. We're really talking about children as we define "children" under the UN convention that deals with children. It's under 18. Our current pornography laws deal with children who are under 18. As long as we as a society think of those who are under 18 as children, I think any laws we come up with should reflect the fact that they are children and that as we raise the age of sexual consent from 14 to 16, we are still dealing with children.

I just want to remind us that not only is it about the justice issues, but it's also about the overall broader issue of raising the community standard so that all adults think of anybody under the age of 18 as a child and continue to treat them as a child.

The Chair: Thank you, Mr. Cryer.

Mr. Lee.

Mr. Derek Lee: Thank you, Mr. Chair.

I don't know why we seem to be second-guessing this particular piece of legislation, as much as it appears that we are. The House has already adopted the bill, in principle. So our committee exercise here is really just trying to ascertain whether the actual provisions of the bill are ready for prime time, and I don't see room for a lot of disagreement.

This committee table has seen lots of child pornography over the years, as disgusting as it was, but it has been here more than once, going back 10 to 20 years, and we passed very robust child pornography laws. We passed them. In fact, the Supreme Court rolled one of them back partially. So this has been ongoing.

I haven't heard a homicide detective who said he or she really enjoyed the fruits of their labours. They don't like the work environment. It's tough sometimes in law enforcement. That's just the way life is. The same thing is true with child exploitation. In fact, we can pass all the laws we want, including this one, but we're still going to need enforcement. We have very robust homicide laws. We still need enforcement, investigation, prosecution, conviction, sentencing.

So the same is going to be true, even though we pass this law. It doesn't mean there isn't going to be another incident of child exploitation.

We passed an Internet luring law here five years ago. I don't know why there's a sense that there's no legislation out there. Mr. Frizzell suggested that we're into this whole new world. Parliament has responded and we passed that five years ago. I don't know what the statistical outflow of that is, but the law's been passed. Now we're into the enforcement phase.

I want to ask a question of Ms. Scanlan. I'm looking at some Justice statistics. The public record could benefit from the response. It has to do with enforcement prosecution of the existing child sexual exploitation...section 153. The records from *Juristat*, from the Canadian Centre for Justice Statistics, show that 62% of the charges brought by police and prosecutors under section 153, over the last 10 years, have been withdrawn or stayed—62%. Sorry, in the most recent year it was 62%, but it's varied from 51% to 62%.

I'm curious at the very high level of withdrawal of charges in that envelope. It's very high. Usually when you think of a case going to trial, you think of three-quarters of them going through—80%—not having 62% withdrawn. Are you familiar in your work with that level of charge withdrawal or stays by prosecutors, and if you are, what would be the reason for such a high level of truncated enforcement?

● (1045)

Det Sgt Kim Scanlan: I've been with the child exploitation unit just since July, so I'm not coming up on a year yet. In my experience, that's not what we're seeing currently in Toronto, especially in the area of Internet-facilitated crimes. In fact, I think our success rate in the courts as far as convictions go is quite high.

As for the other areas in which other charges may potentially be laid, again, if you're looking at who the victims are, the court process is very adversarial. When you are getting young people into court to testify, it's problematic. Again, it's an issue of consent. Did they consent? Did they not consent? Sometimes I think their own vulnerability shows through in the court process, and I think that may be attributed to the numbers you're speaking of.

Mr. Derek Lee: You work with a dedicated unit, so you have a high level of expertise and quality investigations. That may account for your success rate.

In terms of your collaboration with other law enforcement agencies, are you familiar with weaknesses elsewhere in the country that would contribute to the high level of withdrawal or stays?

Det Sgt Kim Scanlan: When you're talking about the age of protection, it goes beyond just child Internet areas. It would go to any vulnerabilities or type of exploitation. We're speaking about 14- and 15-year-olds.

I can't say what's going on in the other areas of Canada, but I know that in the area of child exploitation, we are very careful and collaborate routinely to make sure we don't create bad case law and are successful in our prosecutions, in working with the courts.

The Chair: Thank you, Mr. Lee.

Mr. Thompson.

Mr. Myron Thompson (Wild Rose, CPC): I want to thank each and every one of you for the words that you have brought to the table today, but I want to thank you for more than just the words, because I know the passion that's in your hearts regarding this issue. You really want something done. That's obvious, and I appreciate that kind of passion.

I have been at the centre with Paul Gillespie and some of the fellows in Toronto. I know what a horrendous task that is. Ms. Scanlan, please pass on my sincere gratitude to each and every one of them. I can't believe how they manage to hold up under such difficult conditions.

I've been around a long time. Before the Internet and before all this, we had this problem with this age of consent. As a principal of a school, I had an opportunity to get involved in several incidents of that type. You couldn't do anything because they were 14 and 15 and they consented. But what I want to point out is that most of the time when it happened, almost inclusively they ended in tragedy. I can think of five specific cases in which three ended in suicide; one ended with a tragic beating by the older partner, resulting in irreparable brain damage from this so-called agreement; and one ended up with two children before she reached the age of 17, and she was left stranded.

I know how severe it is. I know they are sought now in new ways with the Internet. I realize that. I could get into some of these things. The chairman and I have been here since 1993. I know personally that he went after every justice minister under a majority government, under Mr. Chrétien, to please do something about this. We hit every one of them. It never happened.

On September 28, 2005, Bill C-313 was brought forward by the member from Lethbridge and did exactly this. When the vote was taken, 99 voted yes and 167 voted no. I could have fallen out of my chair, because there's not a doubt in my mind that there is not one person sitting here who wants to do something about protecting these kids. I know they want to.

I respect Mr. Comartin and his background and his ability that he brings in regard to pedophiles. I don't know anything about that. I wouldn't even want to compete with Mr. Comartin on that. And I don't really care about stats. You know, if this happens to one, that's one too dadgum many, and that's my stat.

All I'm asking is if anybody on this panel has any opinion on what is stopping this kind of legislation from seeing the light of day. I've been here for 13 years and it hasn't happened. What's stopping it, when I know how people feel?

I would suggest to you that, in my opinion, courts are making decisions that say laws that are made are not constitutional. The laws don't meet the charter test. If that's the case, we have to do something about it, because it's hindering protecting our children. That's my opinion. Could you give me yours?

•(1050)

The Chair: I'm going to start at one end and quickly go to the other. I have one more member who would like to ask questions.

Mr. Hutchinson, what's your opinion?

Mr. Don Hutchinson: Mr. Thompson, the only thing I can think of that's holding up this legislation is the decision of Parliament.

The Chair: Mr. Cryer.

Mr. Doug Cryer: The EFC didn't get everything it wanted in this bill, but is offering no further amendments other than the recommendation to pass it.

The Chair: Ms. Scanlan.

Det Sgt Kim Scanlan: I think everyone needs to be at the table and, all in unison, pass this bill. That would be a good thing.

The Chair: Ms. Kohan.

Ms. Carrie Kohan: I agree. When we talked about it previously over the years, there was a fear of it becoming a constitutional issue and that it would not pass. Hopefully we've come to a place where it sounds like there is consensus on this bill.

I'm hoping that judges will also be given the opportunity. Like I said, there are two things that are epidemic here. One is this issue of age of consent and the other is no minimum sentencing.

The Chair: Mr. Cannavino.

Mr. Tony Cannavino: I can't add much to your comments, Mr. Thompson, except to ask you to please pass this bill as soon as possible. We need that tool. Of course it won't stop all the sexual predators, but we will have some tools to deal with them.

Some people think 130 years is ridiculous. Well, when you give life to somebody and they're out after a couple of years, I think that's also ridiculous. I would ask those people who think like that what they think it would be logical to give. We're talking about predators here. Let's not give them any breaks.

The Chair: Mr. Griffin.

Mr. David Griffin: My cynical side says we'll see you the next time you're debating this bill. My optimistic side says I hope you get the job done.

The Chair: Mr. Frizzell.

•(1055)

S/Sgt Mike Frizzell: I don't know why it hasn't passed in the past, but I sure hope it passes now.

The Chair: Thank you.

Mr. Brown, you're the last speaker on the list.

Mr. Patrick Brown (Barrie, CPC): Thank you, Mr. Hanger.

Certainly it's great to get the testimony today from five very respected groups. I heard one reference saying we only have anecdotal evidence. From what we're hearing from constituents in our ridings, and given the fact that we have five groups all saying essentially the same thing, I would suggest that this bill badly needs to be passed. There is much more than circumstantial evidence that we need change. The stories we read in the newspapers about the horrific incidents, in my opinion, are profound motivation and profound evidence of why we need to fix this bill.

I thought one thing you said, Ms. Kohan, was very eloquent. You mentioned the revolving door and you mentioned the term "pedophile haven". That led me to think of two questions that I'd like to pose in general.

One, how strategic do you think those who attempt to violate children are? If someone is living in a state bordering Canada, a state where they have a higher age of consent, do you think that person would actually target Canadian cities that are close to the border? Is there that strategic sense to criminals?

And two, with the fundamental goal that all parliamentarians have of obviously wanting to protect children, do you feel the steps we are taking in this Parliament—whether it's the removal of house arrest for some crimes, the will to put minimum sentences in, or now this current legislation—are headed in the right general direction?

Could you comment on those two points, Ms. Kohan first, and then Mr. Cannavino?

Ms. Carrie Kohan: As far as the borders go, pedophiles are extremely methodical in their approach. They are cunning. They target children and will pretty much do anything to get to that child, within reason.

If pedophiles are on the border of the country and are looking at their own laws under which, like I said, they could receive 130 years, whereas, gee, if they just cross the border and we have lower resources and our police aren't equipped anything like police are in the United States, then even if they do get caught, gosh, they might end up with five or six years in prison, and it's a pretty nice prison to be in.... It's a no-brainer as far as pedophiles are concerned. They literally will come in. What is their option? Of course they're going to come over the border.

As far as minimum sentencing is concerned, yes, you're currently definitely on the right track. You're looking at raising the age of consent. There is a rumour, as such, that you're looking at minimum sentencing. There is a victim's ombudsman being introduced. You are singing the words I've been wanting to hear for a decade now. We're finally putting children first. The collective rights of children are being put first, rather than the individual rights of pedophiles. To me, it's like the time has finally come. It should have been done a long time ago, but at least it's being done now.

The Chair: Are there any other comments?

I would like to thank all of the witnesses for appearing this morning. I believe we've had a valuable exchange, and I appreciate your attendance, as I know all the committee members do.

I would now recognize Mr. Ménard on a point of order.

[*Translation*]

Mr. Réal Ménard: Mr. Chairman, there is something contradictory in the testimonies we have heard this morning. I certainly do not want to downplay the importance of adopting this bill, but we cannot be told that we do not have statistics, and at the same time, be told that Canada is a haven for sex tourists.

I have three requests for statistics which I will forward to our researchers, and I would like this search to be corroborated by Juristat. You will be given a copy afterwards.

I would also like to give our clerk authorization to accept Mr. Cannavino's invitation. I was not a member of the previous committee, and I would like to be able to visit... What is the name?

Mr. Tony Cannavino: Different organizations and various police services call it the cybersex squad or the cybersex unit. There are different names used by the police corps of Montreal, the Sûreté du Québec, the OPP, the RCMP, the Toronto and Vancouver police services, so on and so forth. If you wish, we can put you in contact with these people so that a visit can be arranged.

• (1100)

Mr. Réal Ménard: It was my point of order, Mr. Chairman.

[*English*]

The Chair: Thank you, Mr. Ménard.

[*Translation*]

Mrs. Carole Freeman: Pardon me, Mr. Chairman, but I know that other parliamentarians have had access to other information. Aside from the cybersex unit that we can visit, did you have additional access to any other information previously?

[*English*]

The Chair: Yes. Our committee, maybe not directly through the justice committee, has visited the RCMP centre. I think that would be a suggestion that would open the door to answering some of these questions, in reference to the cyber side of things. So I'm sure that can be arranged on this end.

[*Translation*]

Mrs. Carole Freeman: Thank you.

[*English*]

Det Sgt Kim Scanlan: Currently, there is undercover officer training, just down the road at the Canadian Police College, going on as we speak. I don't know if any of the members can avail themselves of it. We could certainly make arrangements, and they could see very quickly, just in the area of luring, how fast this is able to occur.

The Chair: That's through the RCMP training centre?

Det Sgt Kim Scanlan: It's at the Canadian Police College right now.

The Chair: The Canadian Police College, right.

Is this a repeated affair?

Det Sgt Kim Scanlan: Yes, this is the advanced Internet child exploitation course, which is offered to police officers from across the country. So there are representatives from all across Canada right now, officers, who are getting this training.

The Chair: We'll pursue that. Thank you very much, Ms. Scanlan.

A motion for adjournment?

Some hon. members: So moved.

The Chair: The meeting is adjourned.

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