



Standing Committee on Justice and Human Rights

Comité permanent de la justice et des droits de la personne

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🕒 (0845)

[*English*]

The Chair (Mr. Dave MacKenzie (Oxford, CPC)): Seeing quorum, the clock is 8:45. We'll begin meeting number four of the Standing Committee on Justice and Human Rights.

We are meeting today pursuant to the order of reference of Wednesday, September 28, 2011, Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

Today appearing is the Honourable Rob Nicholson, Minister of Justice, and the Honourable Vic Toews, Minister of Public Safety, along with their officials.

Ministers, the agreed process today is that each of you will be given five minutes for an opening address. Then we'll go to questions from the panel.

The Chair: Ms. Findlay.

Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC): Thank you, Mr. Chair.

My question is for Minister Nicholson. I believe that all hon. members here wish to do everything possible to protect our children from harm. As a parent myself, it's certainly a great fear of mine any time that I hear that a child has been hurt or could be.

Children are particularly vulnerable to sexual abuse and exploitation and are in fact, as I understand it, the majority of victims of all police reported victims of sexual assault in Canada.

Children represented 59% of all police reported sexual assault victims, which I believe is about 13,700 children under the age of 18 in 2008 alone. My source for that is StatsCan Centre for Justice Statistics, The Uniform Crime Reporting Survey.

Minister, is there a risk that implementing mandatory minimum penalties might result in more plea bargaining?

Hon. Rob Nicholson: One of the things that you will notice is that the bill is comprehensive in the sense it covers a whole range of sexual assaults or offences against children. It's designed for, among other reasons, to make sure that an individual who's in the business of molesting children or abusing children does not escape the penalties that are within the Criminal Code.

In addition, it goes beyond the existing offences because we know that we have to continuously analyze what takes place in this type of activity. This is why we have included two new offences. While it is an offence for an individual to lure a child over the Internet to set that child up to be sexually exploited, it currently is not covered in the Criminal Code for two adults to discuss this among themselves on how to do that. That is one of the changes that we have made.

The other change that we have made, and again this is in response to problems that we have heard, is that we're making it an offence for somebody to give sexually explicit

material to a child for the purpose of grooming that child, setting that child up in essence to be sexually molested, so that the child thinks that this is somehow normal behaviour.

Again, part of the challenge that we always have in the Criminal Code is to make sure that it continues to respond to what takes place out there. As you know, this is an increasing problem. I hear this in my conversations with Attorneys General outside of Canada, that the increase in this kind of activity on computers and so our job as legislators is to try and make sure that our legislation is as up-to-date and covers as much of this activity as we can possibly get within the Criminal Code. You will see it's very wide-ranging and comprehensive.

My colleague has a comment.

⊕ (0920)

Hon. Vic Toews: In respect to the issue of plea bargaining, plea bargain often has a bad reputation. Plea bargaining is absolutely essential for the operation of the justice system, and I say that as a former Crown attorney. It's the abuse of plea bargaining that we have to be mindful of. A principled crown attorney will make an agreement if he believes that the public interest and the interests of justice can be served through another arrangement. That's essentially what a plea bargain or plea arrangement is.

Mandatory minimum sentences certainly encourage people to look at their alternatives, but what they also do is if you go to trial and a person is convicted and receives the mandatory minimum, that individual is no longer back out on the street as quickly and committing more offences. Some say it may delay the process because of additional trials, but in fact, in the long run, these types of mandatory minimums properly focused on appropriate offences such as these will lessen the burden on the justice system.

The Chair: You have thirty questions for a short question and a short answer.

Ms. Kerry-Lynne D. Findlay: We hear a lot from the opposition about the statistics on crime going down. Is that true when it comes to sexual offences against children?

Hon. Rob Nicholson: No, we might have missed that in the discussion, but the child pornography and other offences against children are actually increasing. I hear this in my discussion with my counterparts outside of Canada that this is increasingly becoming a problem. A problem is a problem. It's not just a question of statistics. We want to deal with this. It's the same thing with drug crimes. Drug crimes are up in Canada, but, again, I always say we're not governing on the basis of statistics. I'm not bringing these forward because of the latest statistics. We're bringing these forward because I believe they're the right thing to do.

To better protect children within the criminal law of this country we should be making these changes and we should be, for instance, bringing in the two new offences that I just outlined for you. It's important to do that, but you are quite correct. The incidence of these types of crimes are going up.