

TABLE OF CONTENTS

A) INTRO	2
B) OVERVIEW OF MAIN DISCOURSES:	3
1) <i>INFORMATION SUPER HIGHWAY (EDUCATIONAL IMPROVEMENT, ECONOMIC OPPORTUNITIES and EXPANSION OF INTERNET ACCESS)</i>	3
2) <i>CHILD PORNOGRAPHY</i>	5
3) <i>LURING/SEXUAL EXPLOITATION</i>	11
4) <i>AGE OF CONSENT</i>	23
5) <i>PRIVACY</i>	33
6) <i>BULLYING AND HARASSMENT</i>	34
7) <i>EXPOSING CHILDREN TO PORNOGRAPHY</i>	39
8) <i>EXPOSING CHILDREN TO MEDIA VIOLENCE</i>	40
9) <i>HATE CRIMES</i>	41
9) <i>FREEDOM OF SPEECH</i>	43
10) <i>ISP LIABILITY</i>	43
11) <i>MISCELLANEOUS</i>	44
C) CONCLUSION	46
I) <i>which children are paired w each discourse (if applicable)</i>	46
II) <i>which risks/opportunities relate to children’s use of technology in the discussions</i>	47
III) <i>which discourses are discussed either implicitly or explicitly in association with girls and</i>	
IV) <i>which representations of girls are made</i>	48
V) <i>which discourses seem to be informed by data/research involving discussions with children</i>	49
D) APPENDICES FOR EACH POLICY STREAM	50
1) <i>LIST OF BILLS</i>	50
2) <i>REPORTS AND CAMPAIGNS</i>	58
3) <i>LIST OF POLICY INTERVENORS</i>	59

What is technology to a kid? One of the Apple people, Alan Kay, once said that technology is technology only for people who are born after it is invented. Twelve-year-old Niki Tapscott would agree. She is the daughter of Don Tapscott. When asked if she would participate in a consumer of the future panel at a technology conference she lectured her father: “Okay, Dad. I will do it if you want me to, but I do not understand why you adults make such a big deal about technology. Kids use computers to do stuff. We do not think of them as technology. Like a fridge does stuff. It is not technology. When I go to the fridge I want food that is cold. I do not want to think about the technology that makes the food cold”.¹

A) INTRO

As the Internet started to become more accessible to Canadians during the early 1990s, Parliamentary discussions began to highlight many of the ways in which Canadian youth would benefit from this new technology. During the early to mid nineties, Parliamentary discussions pertaining to youth and the Internet were focused on the educational expansion of the Internet or “Information Superhighway” as it was then called, and its educational and economic potential.

It wasn’t long before discussions of the Internet and the many ways it could stimulate economic growth and promote education became laced with varying concerns about the safety of Canadian children.

In 1996 the first discussions of the dangers of Internet luring and sexual exploitation emerged, with a special emphasis on luring and sexual exploitation, and in 1997 the risks of child pornography were first discussed at the Parliamentary level – topics that continue to dominate conversations about youth and the Internet today.

During the late 1990s the first concerns about the impact of children’s exposure to violence in the media, including the Internet, arose. (However, concerns about children’s exposure to pornography wasn’t first mentioned at Parliament until 2005.) Issues pertaining to both online hate crimes and freedom of speech as they affect children were also first debated during the mid to late 1990s.

From the early 2000s until present, issues surrounding age of consent been a regular discussion topic at the parliamentary level. Since the mid 2005s, privacy, cyberbullying, Internet Service Provider (ISP) liability and social networking have become increasingly regular topics of debate.

The sections of this report will address the above-mentioned policy streams, focusing on the key aspects of each stream of discourse; how risks and opportunities of children’s use of technology are characterized; which children are represented in the stream; and whether girls are represented explicitly or implicitly in that stream, and if so, how data/research that is drawn directly from children is explicitly referenced in discussions within that stream.

¹ House of Commons, *Journals*, 35th Parl, 2nd Sess, No 121 (3 February 1997) (Werner Schmidt).

B) OVERVIEW OF MAIN DISCOURSES:

1) INFORMATION SUPER HIGHWAY (EDUCATIONAL IMPROVEMENT, ECONOMIC OPPORTUNITIES and EXPANSION OF INTERNET ACCESS)

The Information Super Highway was first mentioned in Parliamentary discussions on Jan 25, 1994, by then Minister of Industry, John Manley.² The Information Super Highway was primarily discussed as a tool for educational improvement and economic growth. No specific legislation relating to the Information Super Highway was initially introduced, but initiatives such as the Information Highway Advisory Committee³, the Canadian Network for the Advancement of Research, Industry and Education (CANARIE)⁴, Community Access Program⁵ and SchoolNet⁶ were launched.

On Oct 27, 1994, Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.) first introduced SchoolNet by announcing that “Some \$27 million of infrastructure money is going into high technology infrastructure mainly in our school systems in New Brunswick, Saskatchewan, Manitoba and Ontario. It is not only helping in terms of better communications but it is helping to improve the education system to help prepare our young people for the future.”⁷

On Dec 5, 1994, John Manley announced the expansion of CANARIE in order to “accelerate progress on the Canadian Information Highway.”⁸ He also announced that day “a continuation of the SchoolNet program which will see all of Canada’s 16,500 schools and 3,400 libraries connected to the information highway by 1998, a full two years before the target set by vice-president Gore of the United States.”⁹

By 1995, references to the Information Super Highway were already being replaced by the term Internet, but discussions pertaining to SchoolNet continued. On Nov 28, 1995, John Duncan discussed the major efforts that had been made regarding the SchoolNet process, and ensuring that all First Nations communities are linked to SchoolNet and the Internet “as an important step not only in learning but in community development as we have moved into the community access program.”¹⁰

² House of Commons, *Journals*, 35th Parl, 1st Sess, No 7 (25 Jan 1994) (John Manley).

³ The creation of the Information Highway Advisory Committee was announced on Nov 17, 1994.

⁴ CANARIE was launched as a research effort into next-generation communications networks, with a view to bring the benefits of information technology into more classrooms and communities across Canada. It has been considered a world-leading initiative. [House of Commons, *Journals*, 36th Parl, 1st Sess, No 42 (Feb 24, 1998) (Paul Martin).]

⁵ The Community Access Program was designed to bring Canada online, focusing on rural communities and libraries.

⁶ SchoolNet was a program designed to link every Canadian elementary school and high school to the Internet.

⁷ House of Commons, *Journals*, 35th Parl, 1st Sess, No 115 (27 Oct 1994) (Arthur Eggleton).

⁸ House of Commons, *Journals*, 35th Parl, 1st Sess, No 137 (5 Dec 1994) (John Manley).

⁹ Ibid.

¹⁰ House of Commons, *Journals*, 35th Parl, 1st Sess, No 266 (28 Nov, 1995) (John Duncan).

In 1996, discussions of the expansion of SchoolNet to rural areas, schools and libraries continued, lauding the program as “vital in keeping Canada globally competitive” and “providing youth with the technological skills which will soon be considered mandatory to doing business throughout the world,” and providing “schools with a link to the rest of the country” to promote the exchange of information to allow students to learn about their country in new and creative ways.

During the late 1990s, conversations about building on the success of SchoolNet continued to take place. This included discussions about the Community Access Program connecting young Canadians to the wired world, in both rural and urban communities, and the economic benefits of the Internet (such as e-commerce and legislation to protect to personal and business information in the digital world, recognize electronic signatures).¹¹ In Oct 1997, Bill C-17, *An Act to Amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divesture Act* (concerning access to Internet in rural areas was introduced (and later received Royal Assent in 1998). During the second reading of the bill, Helene Alarie stated:

I recently visited a school for severely handicapped children where the children have access to the Internet. The children said “Because we are hooked up to the Internet, people do not know we are sick, they do not know we have problems. The world is at our fingertips”. This is one instance of what a bill such as this can do for us, if we have an information highway across the country. Rural communities that sometimes lack services because of their remoteness and because of the cost will no longer be isolated.¹²

In 1997, the Information Super Highway was also brought up for discussion in the context of the Youth Employment Strategy¹³, and in 1998, as an essential tool for implementing the national graduate register. On Feb 13, 1998, Walt Lastewka¹⁴ stated, in reference to the graduate register, “This Internet database is already becoming a valuable way for young people to post their resumé and for employers to find the skilled young people they need. It is getting more than 32,000 hits per day. May I repeat that it is getting 32,000 hits a day.”

In 1999, in reference to “young Canadians” and the possibilities of the Internet, Speaker of the Senate, Gildas Molgat stated:

Young Canadians are the leaders of tomorrow. Already, they are at home in the wired world. They have energy, ideas and technological savvy, and they want to contribute to building their country in the 21st century. In our global and connected world, young Canadians are acquiring knowledge and skills at an earlier age. They deserve more and earlier opportunities to get involved, develop their talents and expand their skills. In doing so, they will become active and engaged citizens.¹⁵

In 2001, 10,000 computer access portals had been implemented for the use of non-school age children, however, discussions about expanding SchoolNet to First Nations Schools were still ongoing in 2006. On June 22, Senator Robert Peterson stated:

...computers and Internet access are important tools for creating stimulating learning environments. Many First Nations children must leave their communities at the age of 12 to live and study in urban schools. Recognizing the challenges that First Nations schools may face in accessing and applying these technologies, Industry Canada created the First Nations SchoolNet Program. This national program, delivered by six Aboriginal regional management organizations, provides Internet access, computer equipment and technical

¹¹ Senate, *Journals of the Senate*, 36th Parl, 2nd Sess, vol 148 (12 Oct 1999).

¹² House of Commons, *Journals*, 36th Parl, 1st Sess, No 35 (21 Nov 1997) (Helene Alarie).

¹³ The Youth Employment Strategy was an initiative designed to “young people with work experience and the right training in that industry” [House of Commons, *Journals*, 35th Parl, 2nd Sess, No 148 (21 March 1997) (Pierre Pettigrew).]

¹⁴ House of Commons, *Journals*, 36th Parl, 1st Sess, No 59 (13 Feb 1998) (Walt Lastewka).

¹⁵ Senate, *Journals of the Senate*, 36th Parl, 2nd Sess, vol 138 (12 Oct 1999) (Gildas Molgat).

support and training, including a regional help desk, to First Nations schools under the jurisdiction of the Government of Canada. The program offers the opportunity for Aboriginal youth to achieve and improve their education, thereby enhancing their quality of life. Industry Canada also works alongside other federal departments, such as Health Canada, in assisting with the delivery of much-needed tele-health services.”¹⁶

In conclusion, much of the discussions pertaining to the Information Super Highway during the 1990s and early 2000s were focused on the benefits of the Internet and the impact they will have on quality of life and producing active and engaged citizens.¹⁷ In particular, improvements to education, communication and economic opportunities were mentioned. With specific reference to youth, the Information Highway was discussed in relation to SchoolNet, which aimed to bring Internet access to schools across the country, and the Community Access Program, which aimed to ensure Internet access to rural communities. First Nations youth were also specifically mentioned, as special efforts were made to ensure SchoolNet was brought to First Nation schools (notably, this occurred several years after SchoolNet was brought to the rest of the country). The Youth Employment Strategy also targeted young people that are old enough to work.

References to children in these discussions were gender neutral; children were referred to as “youth” or “young Canadians.”¹⁸ References to the benefits of the Internet to “non-school age children,”¹⁹ “handicapped children”²⁰ and “First Nations children.”²¹ In this policy stream, young Canadians were described as full of new ideas, energetic and technologically savvy.²²

2) CHILD PORNOGRAPHY

Followed closely by Internet luring and sexual exploitation, child pornography is the most frequently discussed issue pertaining to youth and the Internet. Concerns about child pornography date from 1997.

In 1997, Bill C-27, *an act to amend the Criminal Code (child prostitution, child sex tourism, criminal harassment and female genital mutilation)* was introduced. The bill later received Royal Assent and will be discussed again in the Child Luring/Sexual Exploitation section, but it’s worth mentioning here, because while it does not directly address child pornography, its authors claim that child prostitution is linked to child pornography:

A point that needs emphasis is that child prostitution and child pornography are inextricably linked. One cannot be looked at without looking at the other. The two issues are completely tied together.... In a Canadian study of male inmates convicted of rape, 86 per cent of the subjects admitted to being regular or habitual users of pornography. That ought to tell us something very clearly.²³

Also that year, Bill C-396, *an act to restrict the use of the Internet to distribute pornographic material involving children*, was first introduced in Parliament. The bill never received Royal Assent, but has been reinstated in every Parliamentary session since. After its first introduction, it has often been referred to as *the Internet Child Pornography Prevention Act*. (See Appendix 1, for more details about the evolution of this bill.)

¹⁶ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (22 June 2006) (Robert W. Peterson).

¹⁷ Senate, *Journals of the Senate*, 36th Parl, 2nd Sess, vol 138 (12 Oct 1999) (Gildas Molgat).

¹⁸ Ibid.

¹⁹ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (22 June 2006) (Robert W. Peterson).

²⁰ House of Commons, *Journals*, 36th Parl, 1st Sess, No 35 (21 Nov 1997) (Helene Alarie).

²¹ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (22 June 2006) (Robert W. Peterson).

²² Senate, *Journals of the Senate*, 36th Parl, 2nd Sess, vol 138 (12 Oct 1999) (Gildas Molgat).

²³ House of Commons, *Journals*, 35th Parl, 2nd Sess, No 155 (14 April 1997) (Garry Breitkreuz).

In 1998, Bill C-245, *an act to amend the Criminal Code (penalties for sexual offences involving children)* was introduced. This bill will also be discussed later in the Child Luring/Sexual Exploitation discourse, but it is also mentioned here, because the final section of the bill ensured that the “definition of publication in the case of child pornography would cover display, transmission or storage by electronic mail and the Internet.”²⁴ During second reading of the bill, the following was stated:

Some think government has no business regulation the information super highway but I suspect that protecting our children in society from those who would trade in child pornography is far more important than any supposed right on the Internet...

It is my belief that my introduction of this bill into the House of Commons was my duty as a member of Parliament for Oxford... That duty is to speak for and to protect those members of our society who cannot protect themselves.

Each of us here in this House has a moral obligation to protect our children from those who prey upon them. I do not doubt for a moment that all members feel this obligation to our nation’s children.²⁵

As illustrated above, from the earliest bills pertaining to child pornography, children have been described as “the most vulnerable members of society,” unable to protect themselves from online threats, and in need of others to take on this responsibility. Here, Finlay states that the government has a duty to protect Canadian children from these threats.

In 2000, Bill C-321, *an act to amend the criminal code to provide for the forfeiture of property relating to child pornography crimes* was introduced in order to “allow a court that convicts a person of an offence under the provisions relating to child pornography to order the forfeiture of anything by means of which or in relation to which the offence was committed.”²⁶

When Casson introduced the bill on Sept 22 2000, he described the Internet as a difficult and challenging space, that has nonetheless evolved to revolutionize communication, and is perhaps best understood by the children of that time period – the generation that was brought up with it as a part of daily life:

At the root of these challenges lies the Hydra-like nature of the Internet. In its humble beginnings as a forum for academia and the military, the Internet was boring and difficult to navigate. It contained only dry text, no images or flashy graphics. However, the creation of graphical interface known as the world wide web in 1993 has created a surge in popularity unlike anything seen before. ... The Internet has revolutionized communications. Most of us in the House did not even know what e-mail was a few years ago, but today our children and our grand children are growing up having never known anything but instantaneous communication as developed through the Internet. Businesses, organizations, government agencies and individuals have seized on this technology, setting up websites and changing how we interact with each other.²⁷

Casson then went on explain that the Internet has become increasingly dangerous for children as it has become increasingly popular, and specifically how the Internet has facilitated pedophiles’ interactions with children. He also expressed that parents may now be finding it difficult to protect their children from online risks:

²⁴ House of Commons, *Journals*, 36th Parl, 1st Sess, No 198 (17 March 1998) (John Finlay).

²⁵ *Ibid.*

²⁶ House of Commons, *Journals*, 36th Parl, 2nd Sess, No 120 (22 September 2000) (Rick Casson).

²⁷ *Ibid.*

However, with increased usage comes increased abuse. In his report “Innocence Exploited: Child Pornography in the Electronic Age,” prepared for the Canadian Police College, Winnipeg Professor Doug Skoog estimates that there are at least one million sexually explicit images of children on the Internet. It is a horrible thing to even think about.

OCABC Detective Waters shared with me recent stats which estimate that 53% of Internet traffic is concerned with sexually explicit material... Before the advent of the world wide web, child pornography detectives around the world could say with confidence that they were winning the war against child pornography. The old methods of creation and distribution were tremendously risky. Instead of safely and anonymously zipping images down the fibre optic pipelines of the Internet, carefully arranged meetings, secret mailing lists and postal drops placed pedophiles at extreme risk of arrest...

Child abusers and pedophiles are rapidly creating a no holds barred red light district on the web where they can distribute vast quantities of pornography, often extremely explicit and violent, to the point of murder, and organize with other like-minded individuals. The anonymity offered by the Internet allows child molesters to stalk their victims in their homes, schools and libraries without ever being physically present in any of those places....

Parents who were once confident that living in a small town insulated them from troubles associated with big cities can no longer be unmindful about the security of their children. With the click of a mouse, children in remote areas can be exposed to the seamy underside of the Net. In what is becoming an all too often occurrence, cases are being publicized where children under the age of 18 are being threatened or even molested by someone they met online...

While for pedophiles, child molesters and pornographers the Internet is like a dream come true, it has become a nightmare for everyone else. Where once a pedophile may have been able to control his sexual urges toward children, the Internet has created a situation where temptation lurks around every corner on the web. They seek out other pedophiles as a form of peer validation. This psychological validation leads budding child molesters and pornographers to believe that they are not strange or different after all and that it is society, with its laws declaring sex with children and child pornography to be criminal, that is wrong. The downward spiral into child exploitation usually begins with the so-called harmless collection of child pornography, progressing to sexually explicit online conversations with children and eventually seeking child victims online...²⁸

In his response to Casson, John Maloney, reiterated these concerns:

These criminal code provisions against child pornography take on a greater importance with the rapidly expanding use of the Internet. It is now easier to communicate valuable information and carry on discussions on all kinds of subjects with people who share our interests. Unfortunately it also makes it easier to disseminate and collect images of child pornography.²⁹

Casson gives several examples of child pornography crimes from across the country. In two instances, he references 14 year old girls, and in two others he uses gender neutral terms to describe the instances:

In July of this year a 45 year old man from the quiet P.E.I. town of Summerside pleaded guilty to a child pornography case. He had secretly videotaped a 14 year old girl whom he had coerced into doing a striptease, then broadcasted it live on the Internet for viewers in a special interactive online chat room. In same month, on the other side of the country, police arrested a 28 year old Washington man in a line-up for the ferry to leave Vancouver Island. In his van was a 14 year old B.C. girl who he had met online.

Earlier in March of this year, the Ottawa Sun reported that an 18 year old man was arrested and charged with possession and distribution of child pornography. An undercover police officer met the man online while the accused was looking for a partner in a plot to kidnap, rape and kill a young child....³⁰

²⁸ Ibid.

²⁹ House of Commons, *Journals*, 36th Parl, 2nd Sess, No 120 (22 September 2000) (John Maloney).

³⁰ House of Commons, *Journals*, 36th Parl, 2nd Sess, No 120 (22 September 2000) (Rick Casson).

Casson reiterates the themes of concern for children that originally arose during discussed in the 1st Session of the 36th Parliament about Bill C-245. Specifically, he describes children as vulnerable and in need of protection, and their victimization as society's greatest crime. He also asserts that it is the government's responsibility to protect children from these online crimes:

Strong, effective legislation is one way that the impact of child pornographers can be reduced. ... There is hardly a worse crime than the sexual victimization of our children and perpetrating the sexual victimization of children is the most insidious purpose of child pornography....

The technology of our rapidly changing world continues to create legislative challenges for us here in parliament. Expanding the legislation, filling in the holes, adapting to change, as we are trying to do, is necessary because criminals do not stand still and neither should we....

Let us give the children of Canada the maximum protection allowable under the law.³¹

In his response, Mahoney reiterates these perceptions:

... Our children are the most vulnerable members of our society and we must do all that we can to protect our children from harm. No one will deny that child pornography seriously harms children. I believe it does so in at least two ways. It creates a permanent record of the sexual abuse of children and perpetuates the message that children are appropriate sexual objects. Indeed, they are not.³²

Bill C-321 did not make it past first reading in the House of Commons. However, the concern about protecting Canada's "future," (ie. our most precious citizens: children) from the threats of child pornography continued to be a great concern for the government. In his 2001, in his Speech from the Throne to the Senate, Donald Oliver stated:

Our children are our most precious citizens. They are our future. They need and deserve our protection. The Speech from the Throne would have been the perfect avenue to provide a detailed outline of the government's plans to combat child pornography. The Speech from the Throne states that the federal government ... will safeguard children from crime, including criminals on the Internet. The Government will take steps to ensure that our laws protect children from those who would prey on their vulnerability....³³

Also in 2001, Bill C-210, *an act to prevent the use of the Internet to distribute material that advocates, promotes or incites racial hatred, violence against women or child pornography* was introduced, but it died after first reading. (In 2007, this bill was reintroduced as Bill C-427, *an act to prevent the use of the Internet to distribute child pornography, material that advocates, promotes or incites racial hatred, and material that portrays or promotes violence against women*, but again didn't make it past first reading in the House of Commons.)

Also that year, the Senate discussed a campaign for a National Strategy to Combat Child Pornography, Child Abuse and Elder Abuse. The campaign focused on promoting Internet safety education for children, training police in tracking pornography and revamping current laws to ensure they don't facilitate high tech prostitution.

The year 2002 saw the introduction of Bill C-15, *an Act to amend the Criminal Code and to amend other Acts*. Bill C-15 dealt with a wide range of criminal law matters, some more controversial than others. The bill was eventually divided into two parts: Bill C-15A that deals with six areas of criminal law (child pornography, stalking, home invasions, disarming police officers, procedures for the wrongfully convicted, and general procedural amendments); and Bill

³¹ House of Commons, *Journals*, 36th Parl, 2nd Sess, No 120 (22 September 2000) (Rick Casson).

³² House of Commons, *Journals*, 36th Parl, 2nd Sess, No 120 (22 September 2000) (John Maloney)..

³³ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, vol 139 (6 Feb 2001) (Donald Oliver).

C-15B dealing with firearms and cruelty to animals. Bill C-15A received Royal Assent in and 2002 but Bill C-15 didn't make it past the second reading in the Senate. Again, concerns about protecting vulnerable children were raised:

Mr. Speaker, we heard in the Speech from the Throne the government's promise to protect children from exploitation in all forms. Artistic merit now protects some child pornography and pornographers. This is simply wrong... Would the justice minister commit here and now to introducing child pornography legislation that will eliminate totally the artistic merit from exemption and therefore protect our children as they should be?³⁴

... when we are talking about children in our society it is our top priority. We want to make sure to protect them.³⁵

There are other problems affecting our young people. The Canadian Alliance member was telling us about assaults on children younger than six, about dreadful photos on the Internet. Everything connected with pedophilia is dreadful. It affects the child's soul as well as his body. His inner being is violated. The member spoke to us of photos on the Net. These young people have been violated to their very core.³⁶

The last excerpt is particularly interesting, because, for the first time we are seeing concern specifically for the protection of *very* young children, in this case, younger than six. This excerpt is further remarkable in that, despite the fact that girls are disproportionately represented in child pornography³⁷, it refers to children most often in gender neutral terms (although in one case refers to a male child – “his body”).

On March 17, 2010 during Senator's Statements, Donald Neil Plett reported the following:

Last week in Ontario there was a province-wide sweep against child pornography...In total, 35 arrests were made. ..The charges include sexual assault, possession of child pornography, distribution of child pornography, making child pornography, and accessing child pornography. They also rescued two child victims....

I commend the police forces for their diligent work in cracking down on these disgusting criminals. However, there is still much work to be done to protect our children from these pedophiles. According to the Canadian Centre for Child Protection, 80 per cent of confirmed reports of child pornography in Canada pertain to children under the age of eight years, and 19 per cent are under three years of age.

...Every child has the right to be safe. Removing these criminals from our neighbourhoods is essential.

Ontario Provincial Police Commissioner Julian Fantino voiced: Every image of a child being abused represents the victimization of a vulnerable person. Every trading or transmission of that image represents re-victimization of that child...

To produce these images, real children are raped and assaulted, even tortured, by pedophile criminals. Real children lose their innocence. Real children are condemned to a lifetime sentence of severe emotional trauma along with its heartbreaking consequences. Real children are repeatedly victimized. As one victim said, "The abuse never stops, since Internet images live forever."

³⁴ House of Commons, *Journals*, 37th Parl, 2nd Sess, No 9 (10 Oct 2002) (Myron Thompson).

³⁵ House of Commons, *Journals*, 37th Parl, 2nd Sess, No 9 (10 Oct 2002) (Martin Cauchon).

³⁶ House of Commons, *Journals*, 37th Parl, 1st Sess, No 171 (April 18, 2002) (Jocelyne Girard-Bujold).

³⁷ Statistics to demonstrate this will follow later in this report.

We must also call this crime what it is. This is not pornography; this is rape. If an adult woman is raped, we would not suggest that a video of it was adult pornography. This is not pornography; this is child rape. We must call these revolting criminals what they are: child rapists and pedophiles.³⁸

Here, we again see children portrayed as vulnerable and in need of protection to ensure their safety. Reference to two child victims is made; however, the gender of the children is not mentioned. The Senator also references statistics about the ages of child pornography victims (80 per cent of victims are younger than eight years old, and 19 per cent of victims are younger than three years old). [The introduction of these statistics seems to suggest that the Senator finds assault against younger children more alarming than assaults against children older than eight years old.]

In 2004, *Bill C-12 An Act to amend the Criminal Code (protection of children and other vulnerable persons)* and the Canada Evidence Act was introduced. The bill didn't make it past the first reading in the Senate, but discussion of the bill reinforced existing themes already prevalent in the child pornography discourse. Please see the below excerpts:

Protecting children and other vulnerable people is one of our highest duties, both as members of Parliament and as citizens and residents of Canada. It is one that we should not take lightly....In this age of digital transmission and global communication, visual examples of child pornography have become something that I think we all find horrifying and that we abhor. ...The sexual abuse of children is an atrocity, a despicable attack on the most vulnerable members of our society. It is an act of terror, an assault on our society's most basic values of honour, protection and dignity.³⁹

Child pornography is an issue that is regrettably not a new concern for all hon. members in the House. The sexual exploitation of children--again, society's most vulnerable group--in any form, including through child pornography, is to be condemned.⁴⁰

The feeling is unanimous out there that we need to protect our children. There is no other meaning. It is unanimous that the people of Canada are saying, "Let us protect our children". We have to take that message very seriously.⁴¹

The above excerpts from the discussion about Bill C-12, reiterate the perceived vulnerable nature of children, and the necessity to protect them. The first excerpt also repeats concerns about the risks of the digital age.

In conclusion, since the mid 1990s, several bills have been introduced pertaining to child pornography, and child pornography continues to be discussed regularly in Parliament. Discussions have primarily focused on preventing the distribution of child pornography, strengthening sentences and seizing property of child pornography offenders. Although (in earlier debates in particular), children were described as being the well acquainted with the "difficult-to-navigate" and "challenging" nature of the Internet, politicians repeatedly expressed their concerns about the challenges of regulating and limiting the possession and spread of child pornography. The rise of the Internet seemed to be positively correlated with increased risk of online sexual exploitation to children. Generally ungendered terms such as "children" and "youth" were used when referring to the victims of child pornography, and in every instance when discussing

³⁸ Senate, *Journals of the Senate*, 40th Parl, 3rd Sess, vol 147 (17 Mar 2010).

³⁹ House of Commons, *Journals*, 37th Parl, 3rd Sess, No 013 (18 Feb 2004) (Libby Davies).

⁴⁰ House of Commons, *Journals*, 37th Parl, 3rd Sess, No 013 (18 Feb 2004) (Paul Harold Macklin).

⁴¹ House of Commons, *Journals*, 37th Parl, 3rd Sess, No 013 (18 Feb 2004) (Deepak Obhrai).

legislation; however, there several cases of child pornography were described where girls were specifically mentioned. Children were regularly described as the “future” of Canada, the most precious members of our society, yet, vulnerable, at risk of victimization, and in need of protection, especially from authorities (be it legislation or police officers), and that there was little their parents could do to keep them safe once they ventured online.

3) LURING/SEXUAL EXPLOITATION

Concerns about child luring and sexual exploitation have frequently been discussed in conjunction with child pornography. The first mention of concerns about the increasing risk of online sexual exploitation of children arose at the parliamentary level in 1996, subsequent to the breaking news of the Dutroux scandal in Belgium and the dismantling of a pedophile network in Canada.⁴²

Shortly thereafter, in 1997, *Bills C-391 – an act to amend the Criminal Code (penalties for sexual offences involving children)* (which became Bill C-245 in 1998), *C-27 – an act to amend the Criminal Code (child prostitution, child sex tourism, criminal harassment and female genital mutilation)* and *C-246 – an act to amend the Criminal Code (sexual exploitation of children outside Canada)* were introduced. Other than Bill C-27, these bills did not receive Royal Assent, but they did generate a lot of discussion pertaining to sexual exploitation, that continues today.

In 2001, the term “luring” was first used in the House of Commons, and *Bill C-15, an Act to amend the Criminal Code and to amend other Acts*, which included a provision to create a new offense of internet luring, was introduced quickly thereafter. However, in addition to dealing with the new crime of Internet luring, the bill also addressed animal cruelty and gun control, making it especially controversial. While many members of the opposition claimed to support the Internet luring provisions, they also raised the question of why children and animals were being considered at the same level. As a result, the bill never made it past the committee stage in this iteration. As mentioned above, the bill was eventually reintroduced as Bill C-15A and C-15B. (Bill C-15A received Royal Assent in 2002.) Please see the below reference regarding Bill C-15:

There is no question that there are some good provisions in the bill. Most important, the legislation contains long overdue laws against luring children over the Internet for the purposes of committing a sexual offence. I commend these initial efforts to protect children from criminals using the Internet...

The Canadian Alliance has consistently called for legislation to protect children from those who keep finding ways to prey on their vulnerability. Law enforcement agencies and child care agencies regularly advise the public through the media or otherwise that predators frequently use the Internet, mask their identities and pretend to be children or young adults in order to lure children into a situation where they could be sexually abused. These situations are becoming more common and I am relieved to see that the government has finally recognized the great need to amend the law. It is a good first step, at any rate....

Furthermore, these provisions would only provide legislative protection for children who are less than 14 years of age. Canadians would be shocked to learn that even under this legislation an adult could lure a 14 year old girl or a 14 year old boy over the Internet with no legal consequences. Parents and children deserve a greater measure of assistance and protection from these predators.

I agree with those law enforcement and child care agencies that recommend that the law set out for child luring should be extended to all children under the age of 16. This way parents and other concerned

⁴² Marc Dutroux is a Belgian serial killer and child molester, convicted of the kidnapping, torturing, and sexual abuse of six girls (four of whom he murdered), ranging in age from 8 to 19.

authorities would have some legal recourse to protect children of 14 and 15 years of age who fall prey to sexual predators they encounter over the Internet.⁴³

Here, again we see children perceived as vulnerable, easily manipulated and preyed upon, and in need of protection, specifically in the form of legislation. (It is even mentioned that parents of children who are going online are in need of protection themselves, presumably indicating an assumption that they are not able to protect their children from online threats.) Here the need for protection for both boys and girls from online predators is expressed, as well as the need to establish legislation that incorporates protection for children older than 14 years of age. (Here protection for children up to the age of 16 years is suggested.)

Please find below several excerpts from Senate discussions about Bill C-15A (which was created when the original Bill C-15 was split in two). These excerpts illustrate the continuing themes of (1) children as vulnerable and in need of protection from online sexual exploitation, (2) the positive correlation of Internet expansion and increased risk to children, (3) the need for legislation to protect children from these threats.

...I asked to sponsor this bill because it contains a number of clauses related to the sexual exploitation of children, a deplorable and inhumane phenomenon that has deeply concerned me for a number of years... In the Speech from the Throne after the last election, the Government of Canada reaffirmed its commitment to safeguard children from criminals on the Internet by ensuring that they are protected from those who would prey on their vulnerability....

When I first became disturbed about the exploitation of children for the gratification of the most depraved of human instincts, the World Wide Web did not exist. Now it is expanding by leaps and bounds. Although I can applaud the Internet for its significant role in communication and its capacity to facilitate research, I deplore its corruption in the hands of predators, and I am not alone. Most people in Canada would like to prevent the use of the Internet by persons who, from the safety and secrecy of their homes, use the anonymity of it to lure children into situations where they can be sexually exploited.

The new offence of luring seeks to address what the police and the media have reported is a growing phenomenon. It criminalizes communicating through a computer system for the purpose of facilitating the commission of a sexual offence against a child or the abduction of a child.⁴⁴

... We believe it is important to ensure that we are dealing with luring through the modality of the Internet, to which we all know that more and more of our children, at quite a young age, have access. They feel comfortable with the Internet. Even the most responsible parents cannot always know exactly what their children are accessing on the Internet, who they are communicating with in a chat room and what a person with whom they are communicating may be attempting to convince a child to do. Hence, we believe it is very important to ensure that Internet luring, as it has become known, is clearly criminalized for the purpose of the protection of our children.⁴⁵

Children are the most vulnerable group in society and are in need of protection from those who prey on them...⁴⁶

⁴³ House of Commons, *Journals*, 37th Parl, 1st Sess, No 56 (7 May 2001) (Vic Toews).

⁴⁴ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, vol 139 (1 Nov 2001) (Landon Pearson).

⁴⁵ Senate, Standing Senate Committee on Legal and Constitutional Affairs, *Journals of the Senate*, 37th Parl, 1st Sess, (5 Dec 2001) (Anne McLellan).

⁴⁶ Senate, Standing Senate Committee on Legal and Constitutional Affairs, *Journals of the Senate*, 37th Parl, 1st Sess, (5 Dec 2001) (David Griffin).

Honourable senators, as you can see, Bill C-15A contains many significant amendments. I sponsored this bill mainly because of its focus on the protection of vulnerable members of society and, most notably, the protection of children from sexual exploitation...⁴⁷

Bill C-278, *an act to amend the Criminal Code - prohibited sexual acts* was also introduced in 2001. (The main provision of the bill focused on raising the age of consent from 14 to 16 years of age, and will therefore be discussed again in the following section.) The bill did not make it past first reading in the House of Commons. However, discussions about the bill offered examples of the types of sexual exploitation from which the bill attempted to protect children. It is notable that the examples given here mostly pertain to young children:

I have a couple of press releases before me that reflect what happens when a sexual offender threatens a community. I will read two very important examples because they do tell quite a story. These stories will have been heard and repeated time and time again in communities.

The first story deals with a 52 year old parolee who had been serving a life sentence as a dangerous sexual offender. He was released on parole. Hardly a few days had gone by when he grabbed a young girl, just above being a toddler, and walked down the street with her. Fortunately, her father was not far away and he was able to intercept and get his daughter back to safety.

The parolee's propensity was to go after the very young and the very vulnerable. He was fully paroled after serving 29 years of a life sentence for brutally raping a three year old girl. Everyone, including the police, were notified about this man's release. The parole board said that it had no choice. The community, in this particular case, was unaware of what was about to happen. Thank God there was some intervention on the part of the father as this individual was attempting to apply his desires upon this young girl. These things should not be happening. The community has a right to know about these kinds of situations.

The second example deals with a repeat pedophile who was infected with HIV, syphilis and two strains of hepatitis. He was freed from prison and moved into a Toronto halfway house. He had four previous charges and was convicted of sex crimes against pubescent boys aged 9 to 14.

Apart from the psychological costs to the victim, the societal costs can be absolutely enormous. On numerous occasions I have had individuals come to me, both male and female, who were sexually assaulted as youngsters. They bear the shame and sometimes feel guilty about their own actions and the fact that they were caught in that situation. Out of fear, or whatever the case may be, it was never revealed. Something triggers it in their lives and they had to confess to someone else what had happened to them....

As a police officer, I remember when a whole community would almost have to hunker down because a sexual offender was released from prison. The sexual offender was so dangerous that the public had to be notified and his picture had to be posted, and yet he was being released....The big concern regarding that particular individual was the fact that his target was young children. He would not touch 15 or 16 year olds as they were of no concern to him. He was after the younger children, the ones who were 14, 13, 12 and perhaps younger.⁴⁸

In 2004, Bill C-16, *Sex Offender Information Registration* received Royal Assent, creating a national sex offender registry. The non-public registry was created as an investigative tool for police looking into cases of sexual assault, abduction of children, sex-related homicide, etc. Law enforcement can check the registry for known sex offenders in the area, if a sex crime is committed. During discussions of the bill, it was stated "79 per cent of sexual assaults against children happen in their homes, by family members."⁴⁹ This statistic is interesting, since so many resources are devoted to the pursuit of pedophiles that lure children over the Internet, with little mention of the threat of sexual exploitation that these children may face at home. Discussions

⁴⁷ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, (21 Feb 2002) (Landon Pearson).

⁴⁸ House of Commons, *Journals*, 37th Parl, 1st Sess, (30 April 2001) (Art Hanger).

⁴⁹ Senate, *Journals of the Senate*, 37th Parl, 3rd Sess, vol 141 (1 April 2004) (Consiglio Di Nino).

also included the below example involving the sexual exploitation of two 13-year old girls, and a comment about how the registry could be useful in preventing future instances of a similar nature:

...Let us look at a real-life example. The *Ottawa Citizen* reported last Thursday, March 25, 2004... a 33-year-old man convicted of possessing and distributing child pornography and using the Internet to set up a sexual encounter with what he thought were two 13-year-old girls was released after spending six and a half months in jail. The man is in treatment. The authorities believe he is at a very small risk of re-offending. He may go on to a productive life, crime free...However, we should nonetheless have knowledge of his whereabouts for the safety of our children. As well, by reporting regularly, he would be reminded of his conviction; it would remain fresh in his mind. With any luck, this would act as a further deterrent to re-offending. This database does not hang a scarlet letter around his neck, but it keeps him on a reasonable leash.⁵⁰

In 2003, Project Snowball discovered 2,329 suspected pedophiles living in Canada. In response, Bill C-20, *an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act* was introduced later that year. The bill did not survive past the committee report presented at the House of Commons; however, it is noteworthy that in discussions children are continuously considered to be society's greatest and most valued asset:

Protecting children is a fundamental principle in a society. Children are our greatest asset and they deserve all our attention and protection. They are the most vulnerable group in our society.⁵¹

It is also interesting that discussions about protecting children focused on very young children, and that there seems to be an assumption they are more worthy of protection than older children:

I do not understand why the people in the members' constituencies do not get up in arms over this. These are children we are talking about. We are not talking about 14 and 15 year olds. The videos we saw showed two and three year olds, yet the government members do nothing. I do not know what has to be done to light a fire under their feet. Maybe they have to get fired, then they will finally wake up and say they have seen the light. No, they will go back at the next election and ask for forgiveness. They will say that they made a mistake, they will not do it again, and to please elect them, but by then it will be too late.⁵²

... many children at the age of 14 are still pre-pubescent, this low age of consent opens the door to the creation of legal, childlike pornography and allows a 14-year-old child who may have the physical body of a nine-year-old to have consensual sex with an adult. It is absolutely unbelievable that we would allow sexual consent in this country by a grade seven or grade eight child when we consider the life-altering ramifications that can occur with sexual intercourse, such as STDs and pregnancy...

...There is a possibility at the age of 14 that many children are pre-pubescent. They haven't even entered into puberty. To allow Canadian children the ability to have consensual sex, we believe, is wrong, especially when there is the possibility that they're pre-pubescent, because then it opens another legal argument for legalized child pornography. That child who has the body of a nine-year old and who gives consent to have sexual activity, perhaps they record it. If documents are made from that activity, then what's to say that's illegal child porn, because the child was of age and was physically looking like a minor.⁵³

So we're talking about a child under the age of 14, that is to say a pre-adolescent. So regardless of what part of the body is touched--and it is difficult to touch the breast of a girl under the age of 14 because many don't have any--imagine the harm or psychological injury that can be suffered by a child under the age of 14 who is touched for a sexual purpose.⁵⁴

⁵⁰ Ibid.

⁵¹ House of Commons, *Journals*, 37th Parl, 2nd Sess, (27 Jan 2003) (Richard Marceau).

⁵² House of Commons, *Journals*, 37th Parl, 2nd Sess, (27 Jan 2003) (Darrel Stinson).

⁵³ Standing Committee on Justice and Human Rights, 37th Parl, 2nd Sess, (25 Sep 2003) (Carrie Kohan).

⁵⁴ Standing Committee on Justice and Human Rights, 37th Parl, 2nd Sess, (29 Oct 2003) (Richard Marceau).

In fact, some discussions highlighted that children (girls) are believed to contribute to their own exploitation. Please see the below excerpts from the Standing Committee of Justice and Human Rights' discussion of Bill C-20:

Ms. Hedy Fry (Vancouver Centre, Lib.):... You've said ... we have, "to watch persons of that age group, exploitation of persons, or from communicating with them by computer". I understand communicating with them, but it is my understanding, having looked at this for a long time, that many children who are commercially sexually exploited are not necessarily being communicated with, they are communicating. In other words, they don't stand on street corners any more, they are actually on a computer, they are on a website, they are advertising themselves. So I want to know if this now covers their own advertisement for themselves, whatever the body they're being exploited by.

... They are no longer on the street corners; nobody can see them or pick them up. They are being advertised on the Internet in very subtle ways. It's not openly "buy me for sex", but it's subtle enough that people can log on and have a try. So we're not communicating with children, the children are communicating with adults...

Mr. Chuck Cadman: ... I asked if somebody could give me an example of where it would be legally acceptable for an adult.... I'm not talking about an 18-year-old and a 14-year-old; I'm talking about a 50-year-old and a 14-year-old. How is it going to be determined whether that's exploitative? Is there some situation you can foresee where it would be legally acceptable for a 50-year-old and a 14-year-old to have a relationship? That's what we're opening up here; that's what I'm asking...

Mr. Richard Marceau: Let us take a concrete example. Mr. X, aged 45, meets a young woman in a bar. She is 15 years old. She is a girl, actually, not a woman. This man gives her generous gifts, etc., and a short time later winds up in bed with this girl. At the moment, this 45-year-old man has not committed any crime.

Is it true that under Bill C-20, this same 45-year-old man who meets a 15-year-old girl in a bar and starts seeing her and giving her expensive gifts, could be found guilty of a Criminal Code offence and liable to imprisonment for 10 years? Is that the type of situation you are trying to prevent and deal with?

Mr. Martin Cauchon: Your question is hypothetical and incomplete, because the offence we are creating, one based on an exploitative relationship, will enable judges to analyze each case on its merits and to take all the facts into account. You have raised one point, but the judge will have many pieces of information. Each case will be different and the judge will have to take into account the factors we have mentioned several times. The age difference is an important factor that will have to be considered, but there are all sorts of other factors, and this will help the judge to make a decision.

... Under the bill, the court will look at the nature of the relationship. I was saying earlier that the age of consent is 18 in cases involving relationship of dependency, or a position of trust or authority. And of course that is very clear in cases of prostitution or child pornography...

Mr. Martin Cauchon: The second element deals with the means of defence... defence must be maintained, especially because of the Canadian Charter of Rights and Freedoms. We must strike a fair balance, but we must keep in mind the main objective, which is to give children all the protection that Canadian society owes to them. That is our ultimate objective.

Ms. Hedy Fry: My continuing concern is the commercial sexual exploitation of children... I know, as a physician, there are 12- and 13-year-olds who are becoming sexually active at that early age. I don't know what we can do about the fact that this is aided and abetted--this is a freedom of the press issue--by magazines that have 12-year-olds posing poutingly in lingerie, because this is the cutest thing to do. It is now known that the younger you are as a model, the more you're sought after by modelling agencies. There was an article recently in the paper about 13-year-olds dressing in the most titillating manner. What do we do about that kind of advertisement, which is not in any way, as far as I'm concerned, in the interest of the public, but is "modelling" in fashion magazines of 12-year-olds displaying themselves in the most titillating manner, encouraging 12-year-olds who are reading it to be want to be like that?⁵⁵

Dr. Janet Epp Buckingham (Director, Law and Public Policy, The Evangelical Fellowship of Canada): Many teens also do not seem to be making wise decisions about sexual activity. The statistical report on the health of Canadians indicates that 15- to 17-year-olds, the youngest age surveyed for the report, were

⁵⁵ Standing Committee on Justice and Human Rights, 37th Parl, 2nd Sess, (25 Sep 2003).

engaging in high-risk sexual activity. I won't take the time to detail that now, but we gave a written submission that details some of these high-risk sexual activities...

Mr. Vic Toews (Provencher, Canadian Alliance): I find this new offence very puzzling. Here we have a crime that will be very difficult to prove as a prosecutor. I know the difficulties, and some of those difficulties were alluded to—the difficulties adult women have in expressing themselves in the context of a court. Now we're asking children between the age of 14 and 18 to describe the nature of their relationship...

Mr. J.R. Norman Boudreau (Vice-President, Volunteer Executive Board, Beyond Borders, Inc.): ...I want to say first of all that the issue of the age of consent does not concern all children in Canada, but only a tiny fraction of them. Most children in Canada are good children, children who are sufficiently mature and responsible. So this concerns only a minority of them, but it is a minority that is quite vulnerable...

Before I came here I wanted to take a close look at a recent case of age of consent in Canadian law. I came across the Regina v. Edmondson and Regina v. Brown and Kindrat in Melfort, Saskatchewan. This was the case of a 12-year-old aboriginal girl who was preyed upon sexually after being made drunk by three adult males. Edmondson, 26, sexually assaulted the 12-year-old girl with his two friends, Brown and Kindrat, outside his truck on a gravel road near Tisdale, Saskatchewan, in September 2001...Edmondson was convicted, but the other two, Brown and Kindrat, were found not guilty. In the cases of Brown and Kindrat, the jury found that they took all reasonable steps to ascertain that the girl was at least 14 years old. The judge referred to the adult men as boys at least six times and referred to the girl as Ms.

Detective Sergeant Paul Gillespie (Toronto Police Service): At the end of the day, and once you get past all of the technology, it all boils down to children. These are kids who are being abused. It is very hard for me to understand how some might think that a 60-year-old who has gotten into a relationship with a 14-year-old has had consensual sex because they're allowed to, has videotaped or captured this with consent, and then used it later to blackmail, bribe, etc.

We had a case in Toronto of a 14-year-old girl who thought she was in love with a 21-year-old male. She allowed consensual taping of certain acts. She was then told, within weeks of this, to work the streets as a prostitute because these images had already been put on the Internet and in fact they would be shown to her family, and it was used as extortion...

I try to explain to people that, yes, your 14-year-old daughter, once you have a fight, can walk across the street and move into the house with a 65-year-old abusive, alcoholic male, and there's nothing you can do about it. It defies logic to me, and I think most people in Canada would feel the same way. It's not until you put things in their face do they understand it.⁵⁶

Ms. Carole Brosseau: I really do not think that minimum sentencing will change the sexual habits of children. In my view, you have to start by educating kids, which is first and foremost the responsibility of parents, and then of teachers. I think you are dreaming—especially since we are dealing with young people—if you think that kids will hold back if they know they are breaking the law.⁵⁷

During these committee discussions, Ms. Cherry Kingsley, Special Advisor, International Centre to Combat Exploitation of Children, discussed the role that society as a plays in furthering the sexual exploitation of Canadian children:

You can hardly say that the young person has made some kind of a career choice. Often what they're negotiating is their survival. So consent, from my perspective, is not an issue. It's a myth, is what I'd like to say. Regardless of the circumstance this child has used, whether it's pornography, trafficking, or prostitution, I think we always have to assume that the culpability lies not only with the adults but also with the surrounding community as well.

There's a perception that the people who profit are stereotypical pimps. As somebody who grew up in the sex trade, I can tell you that the people who profit are the nightclubs, restaurants, taxi companies, hotels, and so on that facilitate and profit from the buying and selling of children in our communities. If we're going to target in law those who would profit or procure, I would hope we would also target the community businesses that continue today to facilitate and profit from the buying and selling of children.

What I get concerned about is this. If we understand exploitation as an absence of rights or choice for the young person, I'm not interested in promoting the further taking away of a young person's rights or choice over their bodies. Particularly with the potential for the serious criminalization of adolescents in their

⁵⁶ Standing Committee on Justice and Human Rights, 37th Parl, 2nd Sess, (7 Oct 2003).

⁵⁷ Standing Committee on Justice and Human Rights, 37th Parl, 2nd Sess, (8 Oct 2003).

ordinary, everyday life, I am interested in challenging the behaviour of adults and in challenging the commercial sexual exploitation of children that exists in all of our communities.

It's becoming mainstream. It's visible to us. In every city there are children being bought and sold, whether it's on the Internet, on the street, or in bars, restaurants, hotels, or whatever. I think that's what we have to focus on. We have to challenge the behaviours of adults.

The consent or non-consent of children or the behaviours of children should not be what we discuss. I think we get into tricky territory when we start to try to legislate the behaviours or the bodies of young people. We risk not only further stripping them of rights over their bodies, but we also risk criminalizing a large portion of the adolescent population that is already potentially active or experimental.

What I want is not necessarily to criminalize more young people. I want young people to have rights. I want them to have serious rights and choice over their bodies and not to have to exchange sex in order to have food, in order to have shelter, in order to be protected, in order to have money. I want that to be challenged. I want whole communities, not just individuals, to be culpable, because it has become financially profitable.⁵⁸

Another theme that arose during these committee meetings was a concern for the “vulnerable” police officers that must be exposed to child pornography in order to lay charges. Please see below:

Ms. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you. Yesterday, we heard from an Ontario police officer, who told us just how traumatizing it can be for police officers to look at thousands of pictures of children being sexually abused. But they have to do it to build a case against the accused. He asked whether it was possible to include a provision allowing for the simple use of a sample, as is done, for instance, in the case of drugs. If the police seizes 200 kilograms of a substance, a sample is sent to the lab where it is analyzed by professionals. If the results are positive, the entire load of 200 kilos is deemed to be narcotics. He was wondering whether it was possible to take this approach with child pornography. I would like to have your expert opinion on this matter.⁵⁹

Mr. Tony Cannavino: ...Ms. Kingsley's comments give us an idea of how our police officers feel when they deal with juvenile prostitution cases. These children are highly vulnerable. Most of us have children, and we know how much they can be influenced when they're 14 years of age. In addition, with the violence common in certain families, many of these young persons find themselves in the street with little in the way of resources, it goes without saying. Our police officers are vulnerable as well. How can they intervene, except by arresting them? Their purpose isn't to give them a criminal record, but to put them somewhere so that they can be protected.

Ms. Cherry Kingsley: Although it would be disturbing for the police or for the crown or defence, I would still hope the images would be in some way viewed, because each of those images is of real children. If there's any opportunity to identify those children or intervene in some way, protect them, get them treatment or services, for that alone we should, regardless of how traumatic it is, try to view the images and, if possible, identify those children and intervene, maybe not for the purposes of the prosecution, but certainly for the purpose of protecting those children.⁶⁰

2005 saw Bill C-2, *an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act* introduced and passed into law. This bill had 5 key elements: It strengthened current provisions banning child pornography; it further protected children from sexual exploitation; it reinforced certain provisions on sentencing for offences against children; it made testifying easier on the child victim or witness, and other vulnerable persons; and it created the new criminal offence of voyeurism.⁶¹ Themes from previous

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Standing Committee on Justice and Human Rights, 37th Parl, 2nd Sess, (23 Oct 2003).

⁶¹ Senate, *Journals of the Senate*, 37th Parl, 2nd Sess (27 Jan 2003) (Martin Cauchon).

parliamentary discussions about the sexual exploitation of children were similar to those that arose during debate about this bill. Children continued to be seen as vulnerable and easily exploited, as illustrated by the following excerpts:

In my view, [the direction of this bill] recognizes that all young persons are vulnerable to sexual exploitation. It also recognizes that the particular circumstances of some youth might put them at a greater risk of being exploited...⁶²

The protection of society's most vulnerable members is our most important duty and responsibility, but unfortunately we are failing at this task. In November 2000 an international report on child abuse by an organization called, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, singled out Canada as a haven for sexual predators of children. The report stated that Canada had one of the youngest ages of consent for sexual activity at 14, whereas other countries were raising their to 16 and 18....Our governments have failed our kids, the most vulnerable in our society. We have failed children. Having a debate about this legislation in the House is a step in the right direction, but much work does need to be done.⁶³

The scales have to tip back to protecting our most vulnerable people, especially our children. The government has seriously let us down on this matter.... Children being exploited by sexual predators is a very, very serious matter. It will cause irreparable harm to those people. We should be protecting them.⁶⁴

It was expressed that the expansion of the Internet facilitated the ongoing exploitation of children, as demonstrated in the below quotations:

We often hear concerns about youth being approached over the Internet by persons who would prey on their vulnerability. Let us take, for example, a case where the young person secretly and quickly enters into a relationship over the Internet. Bill C-2 tells the courts to take this into account as a possible indicator of exploitation.⁶⁵

It is estimated that there are more than 100,000 child porn Web sites on the World Wide Web. A research group at the University of Cork in Ireland that studies child pornography is seeing an average of three to four new faces of abused children each month. About 40% of the girls and 55% of the boys are between the ages of 9 and 12. The rest are even younger. The group estimates that there are 50,000 new child abuse images being posted to newsgroups every month. Various studies have shown that about 35% to 50% of child porn collectors have a history of abusing children.⁶⁶

You will agree with me that the sexual exploitation of children is a plague. This plague continues to spread with the help, among other things, of new information technologies and the considerable resources of organized crime.⁶⁷

It was further implied that the responsibility to protect these children from online sexual exploitation (at least in part) fell to the government, as illustrated here:

...It is important that the government make a statement and that politicians make a statement about the sexualization of children in general and not just individual children, that there be a broader definition that children aren't allowed to be used in this way.⁶⁸

Discussions tended to focus on crimes against young children:

⁶² Senate, *Journals of the Senate*, 38th Parl, 1st Sess, (13 Oct 2004) (Bryon Wilfert).

⁶³ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, (13 Oct 2004) (Port Moody).

⁶⁴ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, (13 Oct 2004) (Brian Fitzpatrick).

⁶⁵ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, (13 Oct 2004) (Bryon Wilfert).

⁶⁶ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, (13 Oct 2004) (Nina Grewal).

⁶⁷ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, vol 142, (20 June 2005) (Pierre Claude Nolin).

⁶⁸ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 38th Parl, 1st Sess, (12 April 2005) (Cherry Kingsley).

On city streets we often see prostitutes barely past puberty selling their bodies to support one addiction or another. We see police forced to sit by and watch as they do not have the proper tools to target child hunting Johns. If we as a government do not provide them with the tools to fight this kind of crime, we cannot blame them when things go wrong.⁶⁹

Like child pornography, the prostitution of persons under the age of 18 has become a disturbing problem for our society. Witness the fact that, only last week, the officers in the Montreal police squad created in 2002 to fight child sexual exploitation broke up a sizeable child prostitution ring. Those running it were forcing minors, including one young girl barely 12 years of age, to work for escort agencies....Since 2002, the members of the squad have freed nearly 431 young victims of sexual exploitation. Of this number, nearly 50 per cent were under 14 years of age and were involved against their will in child pornography matters.⁷⁰

I would still argue two years... would be a good thing for the vulnerable younger age group, the 12- and 13-year-olds. We have to recognize that the early sexualization of children does have health consequences, because it puts young girls at much higher risk for all kinds of different diseases that can cause them a lot of problems later on.⁷¹

During debate about Bill C-2, policy to protect children was always gender neutral despite evidence indicating that girls are disproportionately exploited by online predators than boys. One presenter to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness even stated that boys and girls are victimized at equal rates:

In terms of the victims of sexual offences, certainly females are more likely to be victimized by males, but males victimizing other adult males is a hidden crime. As you are aware, consenting relations between two adult men was only legal in 1969, but even today, if a homosexual man is raped and beaten up, he will not report it to the system. It's an unknown element...In terms of boys and girls, I think equal numbers of boys and girls are victimized. Again, the male is less likely to report this until he's much older, or not at all. So many of my clients, not necessarily criminals, will tell me that somebody abused them as a child as well.⁷²

However, discussions about Bill C-2 were unique from earlier debates about child sexual exploitation bills in that for the first time it was acknowledged that (in contrast to the previous quotation) most victims are female and that perhaps authorities (and society generally?) value females less than their male counterparts and are less concerned about effectively protecting them than it is widely believed:

The majority of sex offenders are men. Do they mostly prey on women and young girls? ... I was last week at a conference about femicide. Do you know what is femicide? It means serial murders or violent assaults against women. I ask myself this question. How do you explain that a member of the RCMP who has received a special training is incapable of maintaining criminal records on sex offenders? How do you explain that these people are not on a list maintained by the RCMP? Should we draw the following conclusion: a man in the RCMP is a man and an offender is a man, therefore it is not important that women are victimized? I am only asking the question: should we draw the conclusion that sexual delinquency against children is not a serious problem because most victims are little girls?⁷³

⁶⁹ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, (13 Oct 2004) (Carol Skelton).

⁷⁰ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, vol 142, (20 June 2005) (Pierre Claude Nolin).

⁷¹ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 38th Parl, 1st Sess, (12 April 2005) (Janet Epp Buckingham).

⁷² Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 38th Parl, 1st Sess, (14 April 2005) (Dr. Ron Langevin (Forensic Psychologist, Juniper Associates, As an Individual)).

⁷³ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 38th Parl, 1st Sess, (12 April 2005) (Ms. Diane Bourgeois).

In 2007, *Bill C-13, an act to amend certain acts in relation to DNA identification* received Royal Assent. The bill included numerous provisions, but those that are pertinent to this discourse include the addition of Internet luring of a child and child pornography to the list of primary offences in order to increase the probability that a court will make a DNA data bank order.⁷⁴

In 2007, *Bill C-277, an act to amend the Criminal Code (luring a child)* was also passed into law. The bill was straightforward, and contained one clause increasing the maximum penalty for luring a child from five to ten years, and setting the maximum penalty for a summary conviction at 18 months. Concern about the vulnerability of children, and their susceptibility to exploitation due to rapid Internet expansion (despite other benefits this expansion might provide), children's increased usage, and the anonymity the Internet can provide sexual predators was again raised during debate, as demonstrated by the below excerpts:

Children are precious, vulnerable and worthy of the highest protection. They deserve nothing less. It is our job, as members of Parliament, to ensure that we do everything within our lawful power to provide our justice system with the legal tools to keep sexual predators away from our children. It is very simple.⁷⁵

[C]hildren are uniquely vulnerable in that in many cases they have not yet developed the maturity to discern between what is safe and what is not, between what is good and what is harmful. More often than not they are unable to assess risks adequately and protect themselves against such risks, especially where adult supervision is lacking. That is my real concern. We are dealing with the most vulnerable in our society: children who do not have the ability to defend themselves....⁷⁶

The meaning of luring ...involves an adult, using on-line communications with a child for the purposes of a range of sexual crimes...No doubt many of us will recall the debate when [child luring was added to the Criminal Code] in place in 2002 as a response to rapid growth of the Internet and the accompanying threat that children could be lured into dangerous situations through the use of on-line computer systems...

...This underscores the frightening truth that the risk of physical contact between an adult and his or her victim is very real. Typically, a relationship of trust is established through an on-line communication, and then it is exploited....

[It] is the direct contact that is made between the predator and the victim via the Internet, where a relationship of trust is created for the sole purpose of exploiting the young person and betraying his or her trust, which escalates this behaviour above that of an attempt and puts it onto a level with that of the other child sexual exploitation offences....⁷⁷

I cannot imagine a more horrific act than the callous abuse of a vulnerable, unsuspecting child.⁷⁸

What about the incidence of luring? Is it something that warrants our attention? Sadly, Internet luring is far more widespread than we would like to imagine. According to an Ipsos Reid study from November 2000, 20 per cent of Internet users between the ages of 12 and 24 had face-to-face contact with people they had first met over the Internet. Another study of that year, from the United States, showed that 19 per cent of youths had been sexually solicited over the Internet. In my view, that is a shocking statistic. I repeat, honourable senators: 19 per cent of youths have been sexually solicited over the Internet.

[This] is what we are up against in the struggle to combat Internet luring — seemingly invisible predators who are able to slip into our homes and take advantage of those who are among the most vulnerable members of our society, our own children.

⁷⁴ Senate, *Journals from the Senate*, 29th Parl, 1st Sess, vol 143, (2 May 2007) (Pierre Claude Nol).

⁷⁵ House of Commons, *Journals*, 39th Parl, 1st Sess, (28 March 2007) (Ed Fast).

⁷⁶ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 39th Parl, 1st Sess, (10 May 2007) (Ed Fast).

⁷⁷ Senate, *Journals from the Senate*, 39th Parl, 1st Sess, vol 143, (10 May 2007) (Art Eggleton).

⁷⁸ House of Commons, *Journals*, 39th Parl, 1st Sess, (31 May 2006) (Ed Fast).

...Technology is constantly evolving, as is our use of this technology. We must be ever-vigilant in our approach to protect our children and ensure that the Criminal Code provides adequate tools to get the job done.

...Canada's leading Internet-education organization says that Canadian youth are among the world's most active Internet users, with 80 per cent having regular access in their homes. More than half use the Internet with little or no supervision. Twenty-five per cent of young Canadian Internet users have been asked by someone they have only met on the Internet to meet face to face; 15 per cent have gone to meet an Internet acquaintance face to face; and almost two in 10 of this group went to these meetings alone.⁷⁹

Children benefit from being online, but can also be targets of crime and exploitation in this as in any other environment. Just like there are good and bad people in schools, parks and our homes, there are good and bad people on the net... We owe it to our children to do what we can to protect them from predators, whether it is a family friend, camp counsellor or a pedophile on the net. It is only logical that Canada would enforce the same laws on the net that we do in the real world. While this may be a difficult challenge, society's efforts to protect children must not change simply because technology has changed.⁸⁰

For example, three years ago Statistics Canada reported that 71%, or almost three-quarters, of 15-year-olds use the Internet at least a few times each week, with 60% saying that they used it to communicate electronically through, for example, e-mail and chat rooms... Parents who participated in the Canadian component of the 2004 World Internet Project survey that was reported in October 2005 estimated that youth in their households spent, on average, 8.9 hours per week on the Internet.⁸¹

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.⁸²

As in earlier examples of sexual crimes against children, examples given during discussions about this bill referred to female victims:

A mother in Ontario contacted Cybertip.ca through the toll-free number after she learned that her fourteen year old daughter had been conversing with a thirty-five year old male on the Internet. The mother found evidence on her child's computer that the male suspect had been sending her child pornography images. A Cybertip.ca analyst conducted various searches, added value, and verified the information provided. The report was then referred to Kingston Police Services. Upon further investigation, it was discovered that the child had been conversing online with other adult males and had been sexually assaulted by a male out of Pennsylvania. This male was arrested and charged with four different counts relating to this case.⁸³

Last summer in August 2006, the United States National Center for Missing and Exploited Children released a report in the *2005 Youth Internet Safety Survey*. It found that of the youth who were targeted for sexual solicitations and approaches on the Internet, 70 per cent were girls and 30 per cent boys, and 81 per cent of those targeted were 14 years or older... My question around Internet luring is, as with some other serious crimes, this crime is arguably a gendered crime. On the whole, we are talking about girls, and perpetrators that are usually men. Are other mechanisms in the justice system in place to deter other gendered crimes?... You may not know the answer. I do not know the answer either. It is a serious one because this gender neutral stuff is rubbish. We are talking about little girls and guys in this instance, as we often are in cases of rape.⁸⁴

⁷⁹ Senate, *Journals from the Senate*, 39th Parl, 1st Sess, vol 143, (10 May 2007) (Art Eggleton).

⁸⁰ Senate, *Journals from the Senate*, 39th Parl, 1st Sess, vol 143, (10 May 2007) (John Maloney).

⁸¹ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 39th Parl, 1st Sess, (5 Feb 2007) (Carole Morency - Senior Counsel, Criminal Law Policy Section, Department of Justice).

⁸² Senate, *Journals from the Senate*, 39th Parl, 1st Sess, vol 143, (10 May 2007) (Art Eggleton).

⁸³ Senate, *Journals from the Senate*, 39th Parl, 1st Sess, vol 143, (2 May 2007) (Pierre Claude Nol).

⁸⁴ Standing Committee on Social Affairs, Science and Technology, 39th Parl, 1st Sess, (31 May 2007) (Nancy Ruth).

Also, as in earlier examples, there was great concern about young children in particular, being victimized:

Last summer, in August 2006, the United States National Center for Missing & Exploited Children released a report on the 2005 Youth Internet Safety Survey, a survey of 1,500 representative national samples of youth Internet users aged 10 to 17 years. It found that, of the youth who were targeted for sexual solicitations and approaches on the Internet, 70% were girls and 30% were boys, and 81% of those targeted were 14 years old or older. Overall, 90% of the sexual solicitation on the Internet happened to teenagers. They found none involving 10-year-olds, and 3% involved 11-year-olds.⁸⁵

Also, as a complement to these proposed amendments, Bill C-22, which is now before the Senate as well, and which proposes to increase the age of consent to sexual activity from 14 to 16 years, will also better protect youth, especially 14-year-olds and 15-year-olds, against Internet luring. Statistics have shown that this group is most at risk.⁸⁶

It is noteworthy that during discussions of this bill, the influence of the media on our perceptions of women and children as sexual objects was recognized for the first time:

... All we have to do is turn on the television, walk down the streets and see the billboards, or look at our magazine stands. I believe we have taken the wrong direction in our society in how we display children and women and how we have sexualized and turned women and children into objects. Part of luring is about objectification, how we have commodified human beings.⁸⁷

On April 10, 2008, Notice of Motion was made to Authorize the Senates' Human Rights Committee to Study the Issue of Sexual Exploitation of Persons "to examine and report on the issue of the sexual exploitation of persons, with particular emphasis on children, including questions of trafficking in children, prostitution, sex tourism, pornography, and the sexual exploitation of children on the internet."⁸⁸

In 2010, Bill C-2, *an act to amend the Criminal Code and other acts (Protecting Victims From Sex Offenders Act)* (which received Royal Assent) and Bill C-54, *an act to amend the Criminal Code (sexual offences against children), Protecting Children from Sexual Predators Act* which only made it to second reading. (These bills will be discussed in the Age of Consent discourse, because, while they are related to the sexual exploitation of children, it is primarily because they pertain to debates about the legal age of sexual consent.) Bill C-268, *an act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)* also received Royal Assent. Discussions of the bill included characterizations of children, and especially girls, as vulnerable and easily sexually exploited, as illustrated by the excerpts below:

I have asked the Conservative government, and I asked the previous government, to take the bill and run with it in order to stop the effects of the Internet on vulnerable children. They are easily exploited. They can meet at a ballpark, or a school or somewhere else. The next thing we know, they are in the clutches of these pedophiles and exploiters of children.⁸⁹

⁸⁵ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 39th Parl, 1st Sess, (5 Feb 2007) (Carole Morency - Senior Counsel, Criminal Law Policy Section, Department of Justice).

⁸⁶ Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, 39th Parl, 1st Sess, (5 Feb 2007) (Normand Wong, Counsel, Criminal Law Policy Section, Department of Justice Canada).

⁸⁷ Senate, *Journals from the Senate*, 39th Parl, 1st Sess, vol 143, (10 May 2007) (Paul Dewar).

⁸⁸ Senate, *Journals of the Senate*, 39th Parl, 2nd Sess, vol 144 (10 April 2008) (Raynell Andreychuk).

⁸⁹ House of Commons, *Journals*, 40th Parl, 2nd Sess, (27 Feb 2009) (Peter Stoffer).

With regard to recruitment, traffickers know how to entice and lure the victim, who is usually vulnerable or gullible, and they lure that victim by various means. They offer them hope, perhaps a job, love or a new life. In some cases, the trafficker pretends that he is in love with the victim. They give them gifts. This is organized recruitment, as I said before. They target schools, malls, safe houses, bus stations, airports, playgrounds, bars and nightclubs, the Internet, and so on.⁹⁰

The atrocities of human rights abuses continue to happen and we must do something about it. As recently as the end of February, right behind our parliamentary doorstep, over the bridge in Gatineau, two 17-year-old runaways from Toronto were lured into the sex trade by two Ottawa residents. Two brothers stand accused of pimping these two girls online, forcing them to go to Gatineau motels to service their johns. Without the mandatory minimum sentencing of Bill C-268, these men are likely to be back on the streets to prey on other innocent victims in no time. We cannot allow that to happen.⁹¹

In conclusion, the regular introduction of bills concerning sexual exploitation and Internet luring of children and the fact that discussions pertaining to them, are both in-depth and ongoing. While the growth of the Internet is generally considered to be an economic, educational and communicational benefit to society, it is also associated with increased risk to children. Children are seen as adept at navigating the Internet, but are also perceived to be vulnerable and at risk of sexual exploitation, and in need of legislation to protect them. Despite, acknowledgements that most victims are female, and the great majority of examples offered of sexual exploitation involve girls, all legislative proposals use gender neutral language. There is also increased concern for younger children. In discussions of child luring bills, it was acknowledged that media may influence sexual perceptions of children (girls) and women.

4) AGE OF CONSENT

Age of consent is another major area of debate within parliamentary discussions pertaining to youth and technology. It first became a major topic in the early 2000s, and since then related bills have been introduced with almost every new parliament. The first of which, Bill C-278, *an act to amend the Criminal Code - prohibited sexual acts* (and most notably to raise the age of sexual consent from 14 to 16) was introduced in 2001 but never made it past first reading in the House of Commons. Discussions of the bill highlighted themes similar to those of the Child Pornography and Child Luring discourses. First, children are routinely described as vulnerable and in need of protection, and girls specifically are described as susceptible to being seduced by older men:

I think the one word that really describes the reaction of the public when a child, one of the more vulnerable in our society, is attacked by a pedophile or a sexual offender, is outrage. I think we have seen this outrage expressed time and time again in every community across the country...

It seems, as time passes from one generation to the next, the innocence of childhood gets shorter and shorter. The bill is a very small attempt to restore innocence to youth, to curtail and incarcerate sexual predators who pick on those under 16. For too long we have allowed the exploitation of society's most vulnerable, our children, by those who would extinguish their youth and replace it with mistrust, suspicion and lasting psychological and sometimes physical damage.

⁹⁰ Senate, *Journals of the Senate*, 40th Parl, 2nd Sess, (30 Sep 2009) (Lillian Eva Dyck).

⁹¹ Senate, *Journals of the Senate*, 40th Parl, 2nd Sess, (30 Sep 2009) (Senator Plett).

It has been argued that the general present age of consent, which is 14, is too low to provide effective protection from sexual exploitation by adults. The relatively low age allows pimps, for example, to seduce young girls, with the intention of luring them into prostitution without fear of prosecution.⁹²

In 2002, Bill C-278 was followed by *Bill C-215, an act to amend the Criminal Code (prohibited sexual acts)*. Discussions begin, and are interlaced with, comments about the importance of children to our society; they are described as our most precious citizens, and the future of our country. However, they are also regularly described as vulnerable and in need of protection. In particular, references are made to the need of government protection in the form of legislation. As you will see in the below excerpts, parents are often considered incapable of keeping their children safe:

It has been said time and again that children are our future...However the government seems comfortable in the knowledge that it is depriving many of our children from having a future. Children are forced into sexual slavery every day by child molesters, pedophiles and pimps. They are legally allowed to do so under Canadian law at the moment.

Our children deserve the best protection we are able to provide. By doing nothing we send a message that they are not important. ... Let us give our children the future they deserve.⁹³

... Pedophiles are given great opportunities to abuse our children in Canada. They are legally allowed to engage in sexual activity with a consenting 14 year old.... Children of that age possess neither the maturity nor the life experience to make such critical decisions.

It is a pedophile's dream to be in a country that legally allows sexual activity with children as young as 14. Due to their lack of maturity and experience, these children are easy prey. It is much easier to induce and persuade them to commit acts that are not in their best interests than it would be with a person who is older.

Parents are helpless against these persuasions and inducements. Police associations and family and social agencies agree that the age of consent must be raised. Parents who are actively trying to get their children off the streets and away from pedophiles, pimps and others are offered no help from the justice system. If the child is 14, he or she is allowed to make these decisions. Law enforcement agencies and other departments are unable to help the parents save their children.

A 14 year old is entitled under the laws of Canada to make these unhealthy decisions. A 40 year old man is legally allowed to live with a 14 year old girl. Parents and law enforcement and social agencies are helpless to intervene. While the age of consent is 14, pedophiles and other deviants are able to legally engage in sexual activity with our children.

As we have seen in earlier discussions, concern for young children in particular, has also been expressed:

While the government continues to ignore the plight of children 14 years of age and older it is also doing a great disservice to those who are 13 and younger. While these children are protected from pedophiles and abusers under the law they are not fully protected due to limitations on law enforcement agencies to adequately track the movement of pedophiles. Law enforcement agencies are limited due to the government's inaction in implementing an effective sex offender registry.⁹⁴

In discussions of this bill we see for the first time speculation about the actual harms that sexual activity at a young age are perceived to have on children:

Early sexual activity in children often leads to increased promiscuity, teenage pregnancy, higher rates of sexually transmitted disease, a tendency to drop out of school, and an increased chance of deviant behaviour

⁹² House of Commons, *Journals*, 37th Parl, 1st Sess, (30 April 2001) (Art Hanger).

⁹³ House of Commons, *Journals*, 37th Parl, 1st Sess, (5 Feb 2002) (Carol Skelton).

⁹⁴ House of Commons, *Journals*, 37th Parl, 1st Sess, (5 Feb 2002) (Carol Skelton).

later in life. There is a marked increase in the rate of HIV infection among young heterosexual girls in our country.

Early sexual activity and abuse inflicted by older partners leads to increased emotional and social problems in children. Our children should be given every opportunity to have happy, healthy, normal lives. It is not sufficient to have band aid solutions to the problem. We put money into programs to keep kids in school and numerous other social programs. Why do we not give kids a chance by fixing a law that has their best interests in mind?...⁹⁵

In 2004, Bill C-12, *an act to amend the Criminal Code (protection of children and other vulnerable persons)* and the Canada Evidence Act was introduced. Discussions of this bill highlight concerns about finding a balance between appropriately protecting children who may be lacking maturity and life experience from exploitative relationships and criminalizing consensual sexual relationships between teenagers in the same age range. It is also noteworthy that in every one of the following examples, the party the government seeks to protect is female. This struggle is evidenced in the following excerpts:

Another serious problem is that in Canada the age of consent between adults and children for sexual activity is age 14. In special circumstances, where an accused thinks that the child was in fact 14, the sexual contact of an adult with a 12 year old child can be justified. There was a recent case where a 12 year old native girl was raped by three individuals and two of them were acquitted on the basis that they thought that the girl was 14 years of age....It is shameful that even in Canada we could advance that kind of argument, that adults--these boys as the judge referred to them--who were over 20 years old or 24 years old could rape this young girl and be acquitted because they thought she was 14 years of age. It is disgraceful.⁹⁶

Canadian prohibitions against sexual activity do not differentiate between sexual activity that consists of kissing and sexual activity that involves sexual intercourse...I do not believe that Canadians think that a 14 or 15 year old girl is not mature enough to freely make a decision to kiss her 17 year old boyfriend. Nor do I believe that Canadians want to criminalize a 17 year old for kissing a 14 year old girlfriend. Whether we as adults like it or not, the reality is that adolescents engage in sexual activity and the criminal law is not the place to deal with this type of activity.⁹⁷

The age of consent is another glaring disappointment in the proposed legislation. It fails to raise the age of sexual consent from 14 to 16. That is for sex between adults and children. It is hard to fathom why the government refuses to make this much needed amendment to the criminal code. The police chiefs are asking for it. We have young girls at 14 years of age who think they know everything about the world. We were young once and we thought we knew a lot, but at that age they are children. They have not had enough life experience to resist the luring and the abuse that adults expose them to. The fact is that 14 year olds are being abused. We need to raise the age of sexual consent.⁹⁸

Bill C-20, *an act to amend the Criminal Code (protection of children and other vulnerable persons)* and the Canada Evidence Act) followed in 2003. Similar themes were echoed in the discussions about this bill; in particular the need to protect vulnerable children from sexual exploitation. Here, girls are explicitly implied to be more at risk:

There is nothing worse than talking to a girl who is 12, 13 or 14 years old and whose life has been totally ruined through this. They are taken in by gangs and forced into these types of acts. They are forced and we sit here and we do nothing about it. Then I am supposed to go home, along with the other members of the House, and say that I am proud to represent Canada.⁹⁹

⁹⁵ House of Commons, *Journals*, 37th Parl, 1st Sess, (5 Feb 2002) (Carol Skelton).

⁹⁶ House of Commons, *Journals*, 37th Parl, 3rd Sess, (12 March 2004) (Jim Gouk).

⁹⁷ House of Commons, *Journals*, 37th Parl, 3rd Sess, (22 April 2004) (Gar Knutson).

⁹⁸ House of Commons, *Journals*, 37th Parl, 2nd Sess, (20 Feb 2004) (James Lunney).

⁹⁹ House of Commons, *Journals*, 37th Parl, 2nd Sess, (20 Feb 2004) (Darrel Stinson).

Bill C-313, an act to amend the Criminal Code (prohibited sexual acts, most notably raising the age of sexual consent), followed in 2005, and Bill C-22, an act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records in 2007. Discussions about this bill continue to highlight the same themes – protection of children, our most precious citizens, who are vulnerable to exploitation, especially girls – as Internet usage continues to permeate the day-to-day lives of Canadians. Senators and members of parliament continued to struggle to find an appropriate balance between preventing exploitation and criminalizing consensual relationships. As you will note from the excerpts below, there is great inconsistency in opinion about the age at which children have the mental capacity to accept varied responsibilities:

The protection of Canada's children is an issue near and dear to all of us. ... Under this exception, a young person who is 12 or 13 years old, can consent to engage in sexual activity with another person who is less than two years older, but under 16 years of age, provided that the relationship does not involve trust, authority or dependency and is not otherwise exploitive of the 12- to 13-year-olds. This is often described as the two-year close-in-age exception.

In addition to raising the age of protection from 14 to 16 years, Bill C-22 builds upon the existing framework and provides a new close-in-age exception for the 14- to 15-year-olds who would now be under the age of protection. Similar to the existing two-year close-in-age exception for 12- and 13-year-olds, Bill C-22's new exception would allow 14- and 15-year-olds to consent to engage in sexual activity with another person, provided that the other person is less than five years older and the relationship does not involve authority, trust, dependency and is not otherwise exploitive of the young person.

.....Police experience has also indicated that teens, including 14- and 15-year-olds, are particularly vulnerable to a new form of sexual predation that has emerged from the Internet, namely Internet luring. Adult sexual predators have adapted well to today's new technologies. They know how to use them to find new victims, near and far, to befriend and then sexually exploit them. Honourable senators, 14- and 15-year-olds, especially girls this age, are vulnerable to such predatory behaviour.

These predators often enter into youth chat rooms and pretend to be a child's peer to gain their trust and confidence. They then nurture this trust, sometimes over extended periods of time, and then begin to lay the foundation for an in-person meeting to have sex with that young person. I am sure you have all heard of these experiences....Even though our Criminal Code has prohibited Internet luring since 2002, the practical reality is that this protection only helps those under the current age of consent of 14 years. Police, therefore, support Bill C-22 because it will provide them with another and more effective tool to protect those who are most at risk — 14- and 15-year-olds — from being sexually exploited through Internet luring.¹⁰⁰

... I know that many Canadians are concerned about the use of new technologies, such as the Internet, by adult predators to sexually exploit youth, and indeed we should be concerned. A poll conducted earlier this year found that 25 per cent of children aged 10 to 14 said they would feel safe meeting a person they have met only online.¹⁰¹

I find it somewhat strange that this bill comes from a government whose former Minister of Justice, [who] has indicated that children as young as 10 have the mental capacity to determine whether or not to commit a criminal act and should be treated like adults when they do so....Honourable senators, I believe 10-year-olds are children and I also believe 14-year-olds are children. We should not have a double standard, whether it is with respect to a sexual or criminal act. I would suggest to honourable senators that our Youth Criminal Justice Act deals harshly with 14-year-olds, and I ask you to consider that.¹⁰²

¹⁰⁰ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (29 May 2007) (Ethel Cochrane).

¹⁰¹ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (31 May 2007) (Ethel Cochrane).

¹⁰² Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (31 May 2007) (Sharon Carstairs).

In addition to concern about establishing a bill that takes into consideration the reality of many teenagers' consensual sexual relationships, discussions also touched on keeping existing marriages between 14- and 15-year olds and spouses more than five years older than them from becoming illegal under the new bill:

...Bill C-22 proposes [an] exception...a reflection of another fact, namely, that when the new age of protection of 16 years comes into force, there may be some 14- and 15-year-olds who are already married to or in an established common-law relationship with a partner who is more than five years older.¹⁰³

It seems inconsistent that, after expressing deep concern about the exploitation of vulnerable 14- and 15-year olds generally, that the government is not concerned with protecting them once they are married.

These discussions also gave rise to new concerns about the health and safety of young persons involved with a partner five or more years older than them. In the event that sexual relations in their relationship became illegal, it would be more challenging for them to seek health services and assistance from other social services:

The perception or reality that a young person or his or her partner would be reported to authorities and prosecuted for consensual sexual activity outside the five-year limit will result in sexually active youth not seeking or getting the health services they need. There are potential consequences to this. The prevention of unintended pregnancies, the prevention and treatment of sexually transmitted infections, and the prevention of HIV/AIDS will be seriously compromised...We do not want Canadian teenagers to be afraid to obtain sexual health information or to seek medical attention. It was suggested during the Justice Committee's hearings that an aggressive public awareness campaign on this legislation might alleviate the problem. The Senate committee will want to look into this area and hear the concerns and possible solutions from both adults and young people themselves.¹⁰⁴

...Unfortunately, we know all too well about child prostitution. Honourable senators, one can see 14- and 15-year-olds on the street soliciting in many of our large cities if one looks closely enough. At the present time, they are visible. They are visible to child sex workers and to social workers. If we pass this proposed legislation and the act of participating in sex becomes illegal, will those who manage these young boys and girls — and they are indeed managed — then take them inside, where they will not be observed by social workers and by child sex workers, and where they will not get the help that they need? I do not know the answer to that. I am asking the question.¹⁰⁵

Unlike in debates about previous bills, the impacts of C-20 in relation to Aboriginal children were specifically mentioned:

Honourable senators, what of our Aboriginal children? Aboriginal children are the most highly incarcerated children in this country. Will this bill make their situation worse? Will it make it better? Will it have no effect? Again, I have no answers for honourable senators, and that is why I ask that we review this matter seriously in committee. I regret to say that many of these issues were not addressed thoroughly by the House of Commons committee that dealt with this bill.¹⁰⁶

None of the above mentioned bills were passed into law, but finally in 2008, *Bill C-2, an act to amend the Criminal Code to make consequential amendments to other acts (tackling violent crime)* received Royal Assent. In discussions about this bill, children continue to be perceived as vulnerable ("Bill C-2 proposes criminal law reforms that will finally say no to adult sexual

¹⁰³ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (29 May 2007) (Ethel Cochrane).

¹⁰⁴ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (31 May 2007) (Ethel Cochrane).

¹⁰⁵ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (31 May 2007) Sharon Carstairs).

¹⁰⁶ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (31 May 2007) Sharon Carstairs).

predators who seek to sexually exploit young, vulnerable persons.”¹⁰⁷), although teenaged girls are noted as the most vulnerable, and most examples either implicitly or explicitly reference girls. There is significant debate about the age at which children should be responsible for their involvement in sexual relations, and how legislation can best protect different vulnerable groups:

At the end of the day, whether there's attorney general consent or indeed consent of parents in a particular community, how are we advancing protection of 14- and 15-year-olds with regard to a decision that quite frankly they're not capable of making, notwithstanding these other protections or however you would refer to them?

...Victims of serious violence, particularly sexual or child sexual in nature, carry that with them for the rest of their lives. They often end up hurting themselves or hurting others, or both. For many of them, particularly victims of child sexual abuse, it's a lifetime thing.¹⁰⁸

I see this part of the bill, which I guess kind of recognizes the marriage thing, as a possible tool that a predator could in fact use. I submit that if we are to truly seek to provide an age of protection of a minimum of 16 for children, to protect them from sexual predators, then we have a responsibility--I agree with you, I believe we have a responsibility--through the use of this bill, to delete a part of it that could be used as a tool by a sexual predator—¹⁰⁹

With regard to the amendments dealing with the age of consent to sexual activity, there seems to be a contradiction between, on the one hand, the Young Offenders' Act that requires everyone to be accountable for his or her actions from the age of 14, and, on the other, the fact that a person of the same age is not able to consent to a non-exploitative sexual act.¹¹⁰

We want to protect people who are still maturing and are exploited. That is what we are getting at here. They are exploited by someone deemed already to be an adult and these young people are still maturing, so we are yielding to protect them... Why do we not go to 18?¹¹¹

With regard to the amendments dealing with the age of consent to sexual activity, there seems to be a contradiction between, on the one hand, the Young Offenders' Act that requires everyone to be accountable for his or her actions from the age of 14, and, on the other, the fact that a person of the same age is not able to consent to a non-exploitative sexual act.¹¹²

The issue is: Are 14-year-olds and 15-year-olds going to be better protected in this country from sexual predators? I had one police officer tell me a character from Texas who was 40-years-old showed up in Canada after having an online chat with a 14-year-old. The police throw up their hands and look to me. They say there is nothing they can do for that 14-year-old. I tell them, I am doing my best. I told them that I will encourage my colleagues in the House of Commons and in the Senate of Canada to get this bill passed because I think 14-year-old and 15-year-old children deserve the protection that this bill provides.¹¹³

The Youth Justice Act and all of the acts before recognized that these were maturing persons, not fully adult; otherwise we would not have had a separate youth justice system. I do not find it is a compelling argument to say, “Why can you be charged at 12?” We do not charge them in criminal court; we charge them in a separate court. One can argue that we should not have a system whereby we can raise an offence to adult court, if you follow my line of thinking. I want to look at the issue from the other side. We have the Convention on the Rights of the Child. We recognize that children are on a continuum of maturing. We recognize the responsibilities of adults; we put the rights of children in there. Why would you pick 16 and not 18? I know

¹⁰⁷ Senate, *Journals of the Senate*, 39th Parl, 2nd Sess, vol 144 (4 December 2007) (Terry Stratton).

¹⁰⁸ *Proceedings of the Legislative Committee on Bill C-2*, 39th Parl, 2nd Sess (1 Nov 2007) (John Muisse).

¹⁰⁹ *Proceedings of the Legislative Committee on Bill C-2*, 39th Parl, 2nd Sess (1 Nov 2007) (Richard Harris).

¹¹⁰ *Proceedings of the Legislative Committee on Bill C-2*, 39th Parl, 2nd Sess, No. 005 (13 November 2007) (Mr. Richard Prihoda, Lawyer, Association québécoise des avocats et avocates de la défense).

¹¹¹ *Proceedings of the Legislative Committee on Bill C-2*, 39th Parl, 2nd Sess, No. 005 (13 November 2007) (Senator Andreychuk).

¹¹² *Proceedings of the Legislative Committee on Bill C-2*, 39th Parl, 2nd Sess, No. 005 (13 November 2007) (Richard Prihoda).

¹¹³ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2^d Sess, No. 6 (6 February 2008) (Robert Douglas Nicholson).

we are not bound yet. A particular committee that I serve on has recommended that we be bound by the Convention on the Rights of the Child. Thus far we are only in conformity, but we are not bound by it. Why would we not go to 18 instead of 16?¹¹⁴

The way I read this bill, is that it is really the government taking the role of parent. The government wants to be parent to every child in the country. The problem with changing the laws of consent is that there has to be enforcement attached to that change. How do you discover that a 22-year-old has seduced a 15-year-old? Who makes that ruling? Who decides whether that is appropriate? There has to be latitude for parents to monitor their children's behaviour and to judge the age of when their child is old enough and able to make their own decisions about their sexuality. The danger in putting arbitrary numbers is that every child matures at a different rate. Certainly it is wrong for 45-year-olds to be having sex with 15-year-olds, and I do not think anyone would disagree with that, but you get into the grey age when you are looking at adolescents and who are they in school with and who are they encountering. There has to be room for parents to take some responsibility over their children's actions and monitoring their behaviour.... I said that there are morality issues with the government acting as a parent and taking away that discretion from parents. This provision is taking away the parents ability to judge the appropriateness of the relationships in which their children are engaging.¹¹⁵

[C]entral to the legislation is the belief that all predators are, to some degree, uni-dimensional and that their interests and tactics are somewhat similar. However, there is research to suggest that all predators are not alike and that there is a difference between people who have a sexual interest in children who are under the age of 13, pedophiles, and people who have a sexual interest in children who are going through sexual maturity, hebephiles. This interest is more formally distinguished between these two age groups of under 13 and 13 to 17.

Presumably, the interests of children who were hunted by pedophiles were met by the old legislation and the interests of those hunted by hebephiles is to be met under the new legislation...Given that hebephiles are typically interested in children 13 to 17 versus those who are under 14, it is reasonable to assume that efforts formerly aimed at protecting children less than 14 years old will be now concentrated on youth who are less than 16 years old. The problem, in simple terms, is that we are increasing risk for children who are 16 or 17 years old in our culture....The new legislation expands the same proposition to youth who are less than 16 years of age. In other words, youth 14 to 16 years of age are also deemed to be unprepared for sexual decisions. Unfortunately, this proposition does not enjoy the same consensus as the other and there is considerable ambivalence...Another thing that matters for us is the whole idea of a child's rights. Kids under the age of 19 in our culture have the right to effective protection and to knowledge.¹¹⁶

My question is in regard to statistics presented to us by the Canadian Centre for Justice Statistics...They say that girls aged 12 to 14 are the most vulnerable group for these offences. When I asked the question, they also said to me that their survey, their information gathering, was restricted to kids under 14. They do not have statistics for 15-year-olds and 16-year-olds because they were only concerned with that age because of the age of consent the way it exists today. Are those statistics supported by your experiences, that is to say, that girls between 12 and 14 are most vulnerable for these sexual offences?¹¹⁷

In my clinical practice, I meet 12-year-olds who are quite capable of making informed consent, and I meet some 20-year-olds or 30-year-olds that I have a struggle with to help them make an informed consent. The idea of a magical age when suddenly people can make an informed consent, when they cannot the day before, is a bit artificial.¹¹⁸

¹¹⁴ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2d Sess, No. 6 (6 February 2008) (Senator Andreychuk).

¹¹⁵ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (13 February 2008) (Ms. Hannem).

¹¹⁶ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (20 February 2008) (Robert Kissner, CASW Board of Directors, Canadian Association of Social Workers).

¹¹⁷ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (20 February 2008) (Senator Di Nino).

¹¹⁸ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (20 February 2008) (Dr. Lamont).

The statistics that I have seen show that people at that age are sexually active. Quite a large number of them are sexually active. Rather than driving them underground — 14 years or 16 years are both under the legal age of an adult according to society. It is a matter of finding an age where they need this education in order to make those decisions because this is where it is happening. We need to make sure they are consensual, that they know what they are doing, they have reliable information, and if things happen, they are able to get help or information. They have to be able to get this information while not fearing stigmatizing or criminalizing their older partners.¹¹⁹

Fourteen, our current low age of sexual consent, makes children vulnerable to exploitation from adults, especially from sexual predators, who may use the Internet to lure children.¹²⁰

How are 14- and 15-year-olds vulnerable? I would like to address this with you... There is an increased use and access to the Internet. Young people live in the world of the Internet and social networking, while most of their parents do not. Parents are not always aware of where their children are going online or to whom they are talking. They do not want their children talking with strangers, but on the Internet it is virtually impossible to prevent.

Sexual predators have an in-depth knowledge of computers and technology. They spend enormous amounts of time in the pursuit of their fantasy of 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.

... They report that Canada's low age of consent is openly discussed in peer-to-peer chatrooms by sexual predators. Canada has been identified as a sex tourism destination. Sexual predators have openly sought opportunities to meet and have sex with young Canadian teenagers, both boys and girls.

The records indicate, when looking at all the victims under the age of 18 years combined, over 70 per cent of the offenders were adults. Fourteen- and 15-year-olds represent the largest proportion of all reported sexual assaults, and that is for all ages. The next most significant age group represented was 13-year-olds... Offline and online Internet-facilitated crimes against children in Canada are highly under-reported. Sexual assaults and sexual abuse of both children and adults reported to the police is estimated to be only between 10 and 25 per cent.

In luring cases, the majority of the offenders use grooming behaviour either on the Internet or in personal contact with young people. Boys and girls, especially young teens, are often groomed into consenting to an act, whether it is posing naked, exposing their breasts or genitalia, or meeting for sex. This is an act that they are too young to assess or to protect themselves against and, therefore, are too young to consent to, which is why this legislation needs to be changed.

Canada needs to be more proactive when it comes to protecting vulnerable persons, especially women and children.¹²¹

This bill does not deal with that at all. It is really about a fear more generally of young people being exploited... I do not think there is any difference, and when you get into arbitrary age cut-offs, as a parent, I would be just as concerned about my 16-year-old going off with an older person in an exploitive relationship as my 15-year-old. This is about not being comfortable with sexual behaviour of young people.¹²²

The below exchange demonstrates concern about the implications Bill C-2 would have on the boys/men who participate in relationships with younger girls/women:

Senator Carstairs: I am particularly concerned about the age of consent. I would like to give you a hypothetical situation. We do not like to deal with them, but that is life. A fifteen-and-a-half year old girl is engaged in kissing a 20- and three-quarter year old boy, which puts them out of this magical five-year range. He is charged with sexual assault. He is given a mandatory penalty, and he is put on the sexual offenders' registry.

¹¹⁹ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (20 February 2008) (Mr. Dyck).

¹²⁰ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (20 February 2008) (Heidi Illingworth).

¹²¹ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (20 February 2008) (Detective Sergeant Kim Scanlan).

¹²² *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (22 February 2008) (Senator Milne).

Ms. Pate: ...When I worked with young people, they never thought about the impact. Most people who are caught doing things that they know to be criminal, which I suspect most young people may not know that to be criminal, would have no idea what of the long-term impact. The first time they go on a family vacation down camping in the States or to Florida or wherever they are flying and they are stopped at the border, they will see some of the impacts. The fact is they have been labelled not just a "sexual offender" but likely labelled a "predator," and it will be described that way because of the age of the young women.

As I see it, in terms of young people and young women and men, I know who are now adults, the impact could be particularly devastating. You mentioned the respect for the law. How could they respect a law that labelled them in such a way for something that they considered a consensual act? It also has an impact in terms of future job prospects. I mentioned travel and other areas where it is problematic. We already know there is a huge issue around violence against women. I cannot imagine what it would do to a bunch of young men who have been labelled as sexual offenders and who have never been violent to then live up to that expectation. It certainly would be a fear I have. I would hope that would never happen...

Senator Carstairs: Ms. Pate, for 20 years of my life, I taught junior and senior high school students, so I dealt with children usually between 13 years and 19 years. I did not like it, but I recognized that many of them were sexually active. If we look at statistics, we know that the average sexual experience of a boy is 14 years for 13 per cent of the population and for girls at 13 per cent of the population 14.5 years of age. We are now criminalizing that behaviour. In my experience, that will not prevent young boys and girls from having consensual sex. You have worked with young persons. We know that young persons rarely look at the results of their actions; they do things spontaneously. How are we to enforce this law? It is fair to say that we are going to put it into law. How do we enforce this and how do we prevent malicious prosecution where a dad decides, "I do not like the fact that my 15 year old is kissing a 20-and-a-half year old, and I am going to see that charges are laid."¹²³

(This last excerpt implies girls are in need of paternalistic protection, this time actually by their fathers, and that it is likely a bill proposed to protect them they would in fact use against their male partners.) The following excerpt further demonstrates concern for the protection of young men, who may be seduced by young girls attempting to represent themselves as much older:

I taught senior high school for 20 years. I saw 14-year-olds who were wearing so much makeup that they could very easily pass for 21 or 22 without any difficulty at all. Where is the protection for young men in these circumstances? ... A girl may decide to portray herself as much older. We all know this happens in bars all the time; kids say they are 19. They even steal ID to be 19, or 18 as it is in some provinces. We know this goes on. Where are the protections for a person who is clearly non-exploitive and yet finds himself in this position? ... Where are the protections?¹²⁴

In several instances during debate, 14- or 15-year olds wanting to pursue a relationship with a much older partner is mentioned. It is even suggested that 14- or 15-year olds may be intentionally deceptive about their age in order to enter into sexual relations with an older person:

I think we can all agree that a 45-year-old seducing a 15-year-old is exploitative in nature, but the 15-year-old may think it is wonderful....¹²⁵

I do not believe the intent of this is primarily to eliminate prostitution in underaged females or males. I do think it will serve to protect that group of adolescents who are at a stage in life when they are flighty, have poor decision-making skills, are inexperienced and might be very flattered by an older man who can take advantage of them. It might protect this person from becoming involved in a sexual relationship that is

¹²³ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess, (13 February 2008) (Senators Carstairs and Pate).

¹²⁴ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (6 February 2008) (Sharon Carstairs).

¹²⁵ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (6 February 2008) (Joan Fraser).

beyond their maturity level...The thrust is to deal with that issue. It might eliminate some prostitution, but prostitutes come usually from a very disturbed family environment.¹²⁶

If a young person of 14 or 15 is attracted sexually by an older person, which can happen, and that young person presents himself or herself as being older than 14 or 15 and enters into a sexual relationship, whatever the sexual relationship is, as defined by the code, what are the legal consequences for that young person?...The young person is 15 and wants a sexual relationship with a person of more than five years age difference. He or she is attracted for whatever reasons. Under Bill C-2, what happens if it is proved that there was a sexual relationship between that young person and someone older than him or her by five years or more?... It creates an offence even though the young person has been the one to take the steps to enter into the relationship with the older person. It happens sometimes that this is the way the relationship develops, for all kinds of psychological reasons I do not need to explain here. What is the status of that young person in front of the youth justice system? Could that young person be brought to a youth court and told that he or she is engaged in criminal activities... She is presumed to be the victim. You establish that she is the victim, but if the person is the one who wanted to create the circumstances in which there would be a sexual relationship, you are creating a legal fiction by stating that at that age a person is not in a position to make any decision in relation to his or her sexual life.¹²⁷

I certainly think 14-year-olds are much more sophisticated than they were in 1890. In terms of this whole area, one issue that causes me concern is that we are sending out two messages. We are saying that a 12 year old absolutely knows what he or she is doing when he or she commits a criminal act because 12 is the age by which he or she can give consent, presumably, to a criminal act. However, a 14 year old does not know what he or she is doing when participating in a sexual act, including kissing. I do not get it. I would like to hear a comment on that.¹²⁸

This last excerpt is particularly interesting, as it begins discussing the scenario in gender neutral terms, but by the time it finishes, it explicitly asks how young men can be protected from younger women who may intentionally seduce them.

The inconsistency in protecting 14- and 15-year old generally from sexual exploitative relationships, and marriages of 14- and 15-year olds to spouses more than five years older than them is also raised in discussions of this bill:

Senator Joyal: There is some illogic in this bill. In some territories you can get married at 15. It is presumed that you can give full consent to marriage and sexual relationships. However, this bill establishes that between the ages of 14 and 16 you cannot consent to sexual relations with someone who is five years and two days older than you. There is something illogical in this proposal. We know that such relationships exist consensually and within the framework of marriage legislation.

Ms. Morency: Bill C-2 says that the young person you described cannot legally consent to engage in sexual activity. She could seek to marry that partner, which would have to be vetted and approved, as I described. There is a different process in place for that exception; a higher authority looks at it from the outside. That is different from the situation where the 14-year-old meets a 60-year-old and decides to engage in a sexual relationship. There is no question that if you change the age of consent, you change the line regarding when an offence is committed and when it is not.¹²⁹

In conclusion, there has been much discussion about the age of consent and its importance in the context of a society that spends much of its time online, and especially in which Internet luring, sexual exploitation and child pornography continue to be serious issues. In this discourse the Internet has been characterized as a threat to children, especially girls/young women's safety. As

¹²⁶ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (6 February 2008) (Mr. Langevin).

¹²⁷ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (6 February 2008) (Senator Joyal).

¹²⁸ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess (7 February 2008) (Sharon Carstairs).

¹²⁹ *Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs*, 39th Parl, 2nd Sess, (6 February 2008) (Senators Morency and Joyal).

we have seen above, children in this discourse are considered precious and valuable resources, vulnerable and in need of legislation to protect them from the threat of exploitation from their elders. While discussions of legislation have used gender neutral terms, all examples of the younger party in the relationships discussed were girls. In this discourse there has been much debate about at what age a girl has the mental capacity, maturity and life experience to determine when she is able to consent to a sexual relationship, as well as concerns about young women deceiving young men about their ages in order to manipulate them into having relationships with them. The inconsistency in generally protecting 14- and 15-year olds from sexually exploitative relationships with partners more than five years their senior, with out attempting to protect married 14- and 15-year olds from spouses more than five years their senior was also highlighted.

5) PRIVACY

Children's online privacy didn't become a significant issue in parliamentary discussions until the late 2000s. Even then discussions were predominantly held in committee meetings regarding PIPEDA. For example, in 2006 and 2007, the Standing Committee on Access to Information, Privacy and Ethics was asked to consider the privacy of youth online when they're asked to offer personal information (for instance by completing surveys).¹³⁰ (For a list of parties involved in this committee discussion and a list of associated documents, please refer to Appendix 3.)

In 2007, at a meeting of the same committee additional concerns about children's privacy, that hadn't been mentioned in parliamentary discussion before (even in the context of sexual exploitation and child pornography) were raised. Specifically concerns about the privacy of the victims of child pornography and who has access to pornographic images of them. He stated:

I just want to read a very quick quote from OPP Detective Inspector Angie Howe...:

The images are getting more violent and the children in the photos are getting younger. As recently as one year ago, we did not often see pictures with babies, where now it is normal to see babies in many collections that we find. There is even a highly sought-after series on the Internet of a newborn baby being violated. She still has her umbilical cord attached; she is that young.

I say that not to shock you or disgust you—although I suspect you are disgusted—but just to really get the message across of what it is law enforcement is fighting.

In our efforts to raise these issues, we have heard of the notion of Big Brother and that law enforcement wants access to all this information. What they're doing every single day is sitting in front of a computer, sifting through tens of thousand of images. One accused person could have 10,000 images of children being raped and tortured. That's what law enforcement is dealing with, and those are the children we come here today to try to speak for...You're dealing with PIPEDA, which is an act relating to privacy. Can you imagine any greater violation of your privacy than having the most awful images of you captured for anyone and everyone to see? Unfortunately, no one is speaking for those children. No one is talking about their privacy rights... No one is speaking for them, and that's one of the reasons why we came here today. We're here to try to lend a voice to their concerns and their issues. What's being done to protect their privacy rights? We have to balance that with the privacy rights of Internet users, but part of the equation has to be the privacy interests of those children.¹³¹

In 2010, when Privacy Commissioner, Jennifer Stoddart met with the Senate to answer questions prior to her reappointment, she referenced children's privacy concerns in relation to Facebook in

¹³⁰ Standing Committee on Access to Information, Privacy and Ethics, 39th Parl, 2nd Sess, (29 Nov 2006).

¹³¹ Parliament, Standing Committee on Access to Information, Privacy and Ethics, 39th Parl, 2nd Sess (13 February 2007) (Mr. Steve Sullivan - President, Canadian Resource Centre for Victims of Crime).

her introductory marks, although she did not go on to elaborate on what exactly those concerns were. She stated:

As you know, we have had ongoing discussions with online giants such as Facebook and Google. Currently, we are conducting investigations into further complaints about Facebook, a site targeting children and an online dating site. These are important issues when you consider the role the Internet plays in our lives. I recently read that one in four American couples who met since 2007 first met online.¹³²

In conclusion, children's privacy concerns in relation to technology have mainly been discussed at a parliamentary level during committee meetings regarding strengthening and implementing of PIPEDA. There were also concerns raised about the privacy rights of children who are victims of child pornography. While children of varying ages become victims of child pornography, the only specific example offered pertained to an infant girl. In the last few years, at least one mention from the Privacy Commissioner of the privacy interests of youth who participate in social networking, namely Facebook. In the discussions, youth were referred to collectively (ie. there was no distinction between how girls and boys are affected differently).

6) BULLYING AND HARASSMENT

Since the late 2000s, online bullying and harassment have become increasing concerns; however, they have not been discussed at length in parliament. To date, the majority of conversations about cyberbullying have been held at the committee level.

In 2008 an involved discussion about cyberbullying was held in the Standing Committee on Canadian Heritage, in conjunction with discussions of Bill C-327, *an act to amend the Broadcasting Act to reduce violence in television broadcasts*. (For a list of involved parties and associated documents, please refer to the Appendix 3.) In these discussions cyberbullying is described as: the use of information and communication technologies, such as e-mail, cellphone, pager, text messages, instant messaging, and websites to support deliberately repeated and hostile behavior that is intended to harm others.¹³³ It has been described as an "online culture of cruelty... [that is] closely linked to violence in television broadcasting, as many of the same assumptions on context and outcomes are relevant in promoting an ambivalence towards the use of violence in our daily lives."¹³⁴

During committee meetings it was stated that:

We cannot ignore the obvious It is clear that for teenagers the web has become a virtual hangout. For instance it was reported in *MCT Business News* in May 2007 that in the US more than 70% of girls aged 15 to 17 use social networking sites, such as MySpace and Facebook... Our children are adopting and adapting to the new communication technology. With the new opportunities however, come new negative realities. Cyberbullying combines the devastating psychological effects of both verbal and social bullying. The impact, however, can be even more profound, because the child who is being victimized often doesn't know who's doing the harassing, and many people can covertly witness or join in the bullying.¹³⁵

¹³² Senate, 40th Parl, 3rd Sess, (25 Nov 2010) (Jennifer Stoddart, Commissioner, Office of the Privacy Commissioner of Canada).

¹³³ Standing Committee on Canadian Heritage, 39th Parl (13 March 2008) (Emily Noble – President, Canadian Teachers' Federation).

¹³⁴ Ibid.

¹³⁵ Ibid.

While no statistics for boys' use of social networking sites were cited, girls' use is noted here to demonstrate that their high levels of use make them susceptible to cyberbullying.

To date, no bills regarding cyberbullying have passed (although C-355, *An Act to amend the Criminal Code (cyberbullying)* made it to first reading in the 40th Parliament (3rd session). *Bill C-273, an Act to amend the Criminal Code (cyberbullying)*, has just made it to first reading in the current parliamentary session.

On December 12, 2011, the Standing Senate Committee on Human Rights met to study the issue of cyberbullying in Canada with regard to Canada's international human rights obligations under Article 19 of the United Nations Convention on the Rights of the Child, including an assessment of the gendered aspects of bullying.¹³⁶ Please see the following excerpts:

...research shows that between 30 per cent and 50 per cent of young people experience cyber-bullying, including death threats. In Nova Scotia last year, two young ladies took their own lives because of this issue. Although our kids are communicating and recreating in virtual worlds, there are real life consequences to their online actions and behaviors. I gave a presentation across Canada called "Virtual World — Real Consequences." Young people have a superficial understanding of technology. They know the buttons to push or to click to make a video and download it to YouTube, but they do not begin to truly understand the real life consequences that their actions online have for themselves and for others.

In my 30 years of education, I have had to do a lot of understanding and deep learning about kids, how they learn and what is actually happening. Part of that is brain research and common sense. Those of you who might be mothers or fathers or grandparents will quickly know that tweens and teens live in the moment, and brain research supports this. Kids very much live in the moment and do not make connections between cause and effect. What are the particular kinds of technologies that young people like to use? They like instant messaging and texting. Imagine the teenage brain living in the moment: the kids are using technologies that are of the moment, where a cursor is flashing "send, send, send." It is no wonder that sometimes kids will do and say things online that they might never do in real life.

Looking at it from a government perspective, would passing some kind of legislation change the mind of a 14-year-old girl who is jilted because her boyfriend left her for another girl? When she has that cellphone in her hand and is ready to send off that threatening text message, will she pause and say, "Maybe I will not send it because a bill has been passed by the House of Commons?" Likely not. That is the reality. It is almost like a crime of passion — it is in the moment. I constantly try to have kids understand and think before they click. It sounds trivial on one level but it is quite deep on another level to have kids think before they click. It is important to have kids understand that what they say and do online has real life implications for them and for others and that what they do and say online, they cannot take back...

If you are a young person and you receive a text message that is a death threat, you are scared. You feel alone, even if you are loved and supported at home. On the one hand you want to tell your parents because you are so fearful, but on the other hand you do not want to tell them because if you tell them, the situation might get worse. If you tell your parents, they might lecture you and threaten to take away your cellphone, et cetera. That only compounds the problem because for today's teenagers, being connected to the Internet is not simply a matter of convenience or way of conveying factual messages; being connected is literally their social lifeblood. The cellphone is not simply a phone; it is a powerful communicative tool. The phone that I hold in my hand is more powerful than all the computing power it took to send a rocket to the moon and back. If you will, this is not really a cellphone, because phoning is the least of its use for young people. It is a hand-held, multimedia, Internet-ready computer...

This combined with the Internet are the two most powerful communicative tools in the history of mankind. For those who take it lightly, look at the Arab spring and at what happened there...If adults belittle this as some sort of "tween" or teen chat thing, they misunderstand its power...

People who are going to be marketing cellphones to young people — and that is where the market is — need

¹³⁶ Standing Senate Committee on Human Rights, 41st Parl (12 December 2011).

to be much more aware and conscious of the kinds of marketing they are doing. They should certainly not be modelling cyber-bullying in their marketing...

... you have a child or grandchild who, at night, is perhaps cutting herself and hiding it with long clothing. Perhaps at night, he or she is thinking of committing suicide or actually, as we have all seen too much in the Ottawa area and other parts of Canada, acting on this thought. Twenty-four hours is 24 hours too long to wait for a response, to get a different cellphone number without cost to your family, to know that you can have that and to find out, maybe, where this came from. I think that the corporate responsibility is really clear. It may not require additional legislation, but it is this: We should ask the providers to create clearly written, easily accessible acceptable use policies. Then you need a very easy-to-access place for the average parent, who may not be very technologically adept, to report things like cyber-bullying. We need to ask the providers to actually respond in a timely manner... They need to have actual staff to help support parents to deal with this issue and related issues that we will not have time to get into today...

This is the one part that adults do not understand. Back in the day, if you were bullied physically, verbally, psychologically or socially, at least when you went home you could listen to music, take your dog for a walk and have some kind of peace or sanctuary. The thing that adults do not understand is that now, with cyber-bullying, those who want to hurt you can get access wherever you have access to the Internet. There is no hiding from this at home, and that is the part adults have a really hard time with. They will say glib things to kids like, "Well, just turn it off." You cannot because kids all know, in the back of their minds, who is seeing that photo, that post on Facebook, or whatever it may be. They all know that their community and their peers are seeing it, and not just their peers but perhaps a much wider community as well...

Cyber-bullying is not so much about technology, although that plays an important role. More importantly, it is about people, relationships and choices. The bad news is also the good news, which is that bullying and cyber-bullying is about people, relationships, power and control, and abuse of those in relationships. The good news is that parents, educators, the corporate sector, government, and those of us who coach hockey teams or volunteer in our communities can all play a role in changing these behaviours, modelling positive behaviours and have kids understand a basic tenet: Everyone has the right to be respected and has the responsibility to respect others, in person and online...

The concept I use is that of digital training wheels. Kids are asking for Internet access, computers and cellphones at a younger age. As parents, we have an obligation. As opposed to simply handing them the keys to the car and saying, "Here, take a drive on the highway," we need to have digital training wheels. I will mention one tool, but there are many. One called PureSight. You can put that tool on your child's cellphone and computer. I do not recommend that parents do it surreptitiously without the knowledge of their child. It is to use it from a position where you can have discussions. The goal in the relationship with your kids is to establish a relationship of trust. Kids will be kids, and unfortunately they may say, do or see things online that we would prefer they not see. By having these tools on the computer or phone, it will alert parents to inappropriate actions and behaviours online...

When it comes to cyber-bullying, for example, we know that generally the more social forms of bullying tend to be done by girls more than boys. Generally speaking, boys tend to be more on the physical end of things than the social end of things. Because cyber-bullying involves social media communication technologies, that means girls are often engaged in those things more perhaps than boys are. Girls tend to be bullied over something to do with their physical attributes and for boys who are bullied online, it tends to be more about their sexuality. In middle school and high school, you will hear the words, "he is so gay." Those words are used as a threat or a weapon. Kids will create online polling booths where kids can vote anonymously on who is the ugliest girl in the school or the gayest boy in the school. These things can happen. Two things facilitate this behavior: One is anonymity. Kids think they are anonymous when they are online. However, when I present Virtual World — Real Consequences to kids, I show them that it is a bit of a false perception in reality. The second reason that cyber-bullying happens is what psychologists call "disinhibition." You do not see the face of the person that you are hurting. Kids who are normally very nice, generally speaking, may do or say things online that they would never do in real life. Online, you do not see the face of the person you are hurting. That distance gives people a false sense of having licence to say or do online whatever they want. They do not understand that although these are virtual worlds, there are real life consequences for them and for others. Also, as I said earlier about the teenage brain, kids live in the moment and do not make connections between cause and effect. Not to let them off the hook because they need to be responsible for their behavior, but we also have to understand what is going on when teens are online...

For the most part, most kids are pretty great most of the time, but they need help and support when they turn to adults...

As a teacher, I have one primary overarching responsibility: to create the optimal environment for our kids to reach their potential as learners. The bottom line is: Kids who are scared to go to school because of bullying in the traditional sense or cyber-bullying can never ever achieve that potential...

I am aware of the fact that generally speaking, girls tend to be involved in cyber-bullying more than boys; not to say that boys are not.

Girls generally tend to be involved in more social forms of bullying. To answer your question about why people do this, at its core bullying is a relationship issue. It is about power and control. People hurt others when they are looking to establish that power and control over others. Whether they choose to do it verbally, psychologically, socially or by cyber-bullying, it is a relationship issue whether it is online or not, and is about power and control. Why do people do it? If you boil it all down, there are a lot of other extraneous reasons that might come into it, but it is about power and control...

...being out in the recess yard, you will see kids going from positions of being victimized, to being the aggressors to being the bystanders all within minutes of the same recess period. The same is true online. Kids can go from a situation of being the aggressors to being victimized to what I call bystanders. I try to encourage my own kids and students to be digital upstanders. When they see negative things happening, know to stand up and support those. I think sometimes we have to be careful about labelling kids as bullies. Bullying is the behaviour. We do not want to have a self-fulfilling prophesy and say, "That child is a bully." That child may be showing bullying behaviours but we have to be careful. That same child — within the context of even one recess period let alone a whole school day — may flow from being victimized, to being an aggressor, to being a bystander all within the context of a very short time. We need to see it in terms of that fluid way. Although it makes it easier for us when we pigeonhole people or define things, bullying is complex because it is about relationships.

Cyber-socializing begins very early. You often have older siblings showing kids how to get a Facebook account... You sometimes have the blind leading the blind. When they sign up for these services, kids will go online and give out all kinds of personal information that no one has any business of knowing. Parents do not have any knowledge that this is going on. Some people would argue that some things are changing. I have read some research recently that looks at what is called multitasking; kids doing a plethora of things at one time. The research is showing that although kids may be multitasking, it is not good in terms of focusing on learning...¹³⁷

Aggressive girls are different from aggressive boys in the sense that it is atypical for girls to be aggressive. If they are aggressive, they are a bit outside the norm already.

There is not one type of child who bullies. This is another important aspect. There are some children who bully who are generally quite aggressive and generally out of control, and there is another group of children, both boys and girls, who are very smart and very socially aware.

They figure out who the vulnerable people are, how they can push the button just to cause so much distress in that other person or control them, and these are two different types of children who bully.

Girls who bully do so at a high and consistent rate over elementary and high school. We know about that because Ms. Craig and I conducted a study, and we picked up children in grades 5, 6 and 7, and followed them for seven years. When we finished, they were in grade 11, 12, and it was the last year of grade 13 in Ontario. The girls who bully at a high and even a moderate rate are at a high risk of being physically aggressive with their boyfriends. Girls care a lot about relationships, and if they are not skilled in engaging in relationships, then this form of aggression and learning how to distress someone or get their attention or control them seeps over to these other relationships that become important in adolescence. In many ways, the girls are just as at risk or maybe more at risk than the boys who engage in this type of behavior...

¹³⁷ Standing Senate Committee on Human Rights, 41st Parl (12 December 2011) (Bill Besley).

In terms of women, disability and age, I think those are very important issues. We found in our own research a high level of sexual harassment from boys to girls but also girls were doing it, and there was a lot of homophobic harassment. I think that the gender issue is important. In the work we do, and the work that we have done with the safe schools action team, we looked at bullying around disabilities, and there is a great deal of work to be done to help ensure that those children are safe from all forms of violence, because they are much more vulnerable...

I have been involved with the SNAP programs since their inception. This is a program we developed because the girls were not doing well when we had them embedded in groups with boys. In fact, they were getting lots of opportunity to learn how to be aggressive, so we separated the girls out.

... we looked at the different motivations that boys and girls have. Girls are highly motivated to have close relationships. Boys have close relationships but in a different way. They are of no less quality in terms of relationships, but they are different. Boys like doing activities together.

Girls' relationships with their mothers are tremendously important. In our research, girls' relationships with their mothers mediate their health. Aggressive girls' health is pretty good if they have a good relationship with their mother but very poor if they have a poor relationship with their mother...

Are there slightly different ways of approaching the intervention with girls and boys? I think the answer to that question is yes. It is not that the whole program is different, because as human beings we develop in similar ways and we have similar needs for social connectedness. Girls and boys both have needs for adults who will control them, monitor them, contain them and help them to move along and to be really loving with them. However, because girls have a strong orientation to relationships and because mothers are so important in their world, in a different way from boys, we really worked hard at that element of it...

... girls' sexual development was a risk factor that came out, and so we developed with public health nurses a subsequent program called "Girls Growing Up Healthy," where the girls learned to talk to their mothers about sexuality, sexual development, relationships and other things. The answer is that there are many elements that are the same and some that are a bit different...

The crime statistics suggest there has been a general decrease in crime but somewhat of an increase in girls' violent crime. What I find so interesting about that episode, highly distressing but so interesting, is that young people seldom do extreme things like that by themselves. We could see this when we videotaped hundreds of hours on the school playground. When a group of highly aggressive youth get together, they do things together that they would never ever do by themselves...What happens — and again, the brain research helps us think about this — is they get highly aroused and really excited; and the more excited they get, the less brain energy there is to think about anything logically. It comes at a time of life when their brains are reorganizing anyway, and they just do not think.

What is different? I think what is different is that family structures have changed. In terms of the balance between time spent with parents and time spent with peers, it used to be that, even at 15, you would be with your parents for dinner, you would be at home all evening, and you would not be connected...Now, with the cyber-world, it is all different. You are connected much less with your parents and much more with your peers. Even when you walk through the door of the house, which used to be a safe haven, where you did not get connected to all the other anti-social girls in your grade, now you can plan things and the parents are not aware. There is a very different shift in the kinds of influences that children are getting. At 15, I think young people still need a lot of influence from their parents...

...about 20 per cent of girls had been victimized.¹³⁸

We asked the children about their quality of life through different kinds of questions, and kids who had been cyber-bullied reported that they had less of a quality of life. They were less interested in living. They did not feel appreciated or liked by others. They felt there was no point. They were behavioural marker type questions...

¹³⁸ Standing Senate Committee on Human Rights, 41st Parl (12 December 2011) (Debra Pepler).

If we look at electronic bullying, it is unusual, if you compare it to traditional bullying. The girls are much more likely to do the bullying than boys in an electronic context. In the face-to-face context, you find that when you ask students, it is more boys who report higher levels of engaging in bullying than girls. However, we also put remote microphones on children, we film them when they are in the playground and when we observe the children, boys and girls bully at equal rates. When you ask children or young students, girls say they bully much less than boys. However, when you ask them about electronic bullying only, the girls report in engaging in more of it than boys...

The other piece that is important from a prevention or promotion perspective is that girls do not define what they do as bullying as readily as boys. With respect to some of the forms of bullying online, such as spreading a rumour about somebody or sharing a link, the equivalent of that would be spreading a rumour or talking behind someone's back. Girls define that as extremely harmful behaviour, but not bullying behaviour, versus when we talk about bullying that is one form or one way that children bully other children. Therefore, there is an educational piece for all youth about what bullying is, and that is why that consistent definition is important. What is bullying and how do we do it is essential...

When you look at children who have been victimized regularly and frequently in elementary school, you are at high risk if you are a girl for eating problems, and for boys and girls, depression, anxiety and social isolation. These things are definitely related, that you go into much more significant mental, physical and emotional health issues.¹³⁹

From these excerpts we see that while boys may participate more often in physical bullying, girls are considered to take part in cyberbullying more often than their male counterparts. This could be partly because more girls spend more time online. In addition to gender, factors such as age, disability and non-heterosexual sexual orientation were elements that put youth at increased risk of being a victim of cyberbullying. It was also mentioned that while violent crime throughout society is on a downward trend, violent crime among girls has slightly increased recently (although no specific timing was included), and further that girls participating in acts of violent crime rarely acted alone. Male and female “tweens” were the focus of the discussions; however elementary and secondary school students were also mentioned. It is also worth noting that concern about boys sexual harassing girls over the Internet and/or text messages was also raised as a concern. Youth were described as “victim/aggressor/bystander,” “aggressive,” “vulnerable,” “scared” and “suicidal” in connection with cyberbullying. It was generally thought that children need their parents and teachers and other adults to intervene when cyberbullying takes place, as well as to proactively promote education about online harassment to prevent it before it begins, because youth generally don’t know what is happening/how to cope with it, especially when they start using cell phones and going online at a young age. (Although it was noted that when a peer intervenes when bullying is taking place, that it usually stops.)

7) EXPOSING CHILDREN TO PORNOGRAPHY

Concern about children’s exposure to pornography, as it became increasingly available online, was first mentioned in 1997, after the Catholic Women’s league in Mrs. Elsie Wayne (Saint John, PC)’s riding petitioned her to urge the government to protect “Canadians and their children and pass stronger anti-pornography laws.”¹⁴⁰

In 2005, Bill S-15, *an act to prevent unsolicited messages on the Internet*, was introduced but never came into effect. It is relevant here because during discussions there was concern that spam

¹³⁹ Standing Senate Committee on Human Rights, 41st Parl (12 December 2011) (Wendy Craig).

¹⁴⁰ House of Commons, *Journals*, 38th Parl, 1st Sess, (1 Dec 1997) (Elsie Wayne).

with a sexual content could have negative impacts on children. (“spam... can encroach on families and children, exposing them to pornographic or fraudulent content.”)¹⁴¹

In conclusion, since 1994 periodic concerns about children being negatively affected after exposure to pornography on the Internet have been raised. Interestingly, the exact concerns about the implications of this exposure have not been articulated. In discussions, there has been no distinction about how such exposure would affect girls and boys differently.

8) EXPOSING CHILDREN TO MEDIA VIOLENCE

In 1999, the first mention of violence on the Internet inciting violence in youth was made.:

Mr. Speaker, last week two teenagers killed 13 people at a high school in Littleton, Colorado, in the U.S. Those who say it cannot happen here in Canada should remember December 6, 1989 when 14 young women were killed in Montreal. Television, movies, computers, video games and the Internet, all these modern developments are leading to a decline in empathy among today's youth. Contact with machines is no substitute for human interaction. Technology firms and research groups must reconsider the impact of the various mass media on our humanity.

It is time for government to introduce more public awareness programs through community groups, schools, police and volunteer organizations aimed at helping youth get in touch with their feelings and the feelings of others.¹⁴²

Similar concerns about Internet video games sparking violence were raised in 2005, resulting in Bill C-327, *an act to amend the Broadcasting Act (reduction of violence in television broadcasts)*, although the bill never received Royal Assent. During committee meetings these concerns were raised, as illustrated in the below excerpts:

One of the top choices for both francophone and anglophone boys in grades 3 to 6--and this would be eight-year-olds to 11-year-olds--is Grand Theft Auto, an ultraviolent action game aimed at mature audiences, which involves murder, bludgeoning, and prostitution. In grades 3 to 6, roughly 30% of kids claim they have never had any adult input about what TV shows they can watch; by grade 6 it rises to 50%, and by grade 8 it is 60%...With game playing, adult involvement is as follows: in grades 3 to 4, the top figure for parental involvement never rises above 50%; by grade 7, 75% of adults never tell children what video or computer games they can or cannot play.

Another finding was that 51% of kids in grades 7 to 10 stated they had witnessed imitation or some violent act from a movie or TV show. Violent acts can include imitating a dangerous stunt; it does not necessarily mean aggressive violence directed against another person.

Some of the most important findings: the “Kids' Take on Media” study shows that kids and adolescents whose parents supervise their TV viewing and who discuss violence, racism, and sexism in the media are more likely to be aware of the negative impact of media violence. Many children, however, are on their own.... Some of the other findings and more recent data from teachers we see in the 2005 Canadian Teachers' Federation's national teachers poll: 78% of teachers reported witnessing a student physically assaulting and/or intimidating another student; 75% of teachers reported witnessing a student verbally abusing another student.

In the 2006 Canadian Teachers' Federation's national issues in education poll, the public was asked what they consider serious problems in community schools. Tied for first as most serious were bullying and violence: 76% said “very or somewhat serious” and 44% said “very serious”.

The [findings of the] most recent survey on the topic...include the following: 21% reported being cyber-bullied, 35% reported cyber-bullying others, 46% have a computer in their bedroom, 33% have given a password to a friend, 28% have watched someone else being bullied online, and 67% of parents don't supervise Internet use.

¹⁴¹ Senate, *Journals of the Senate*, 38th Parl, 1st Sess, vol 142 (3 Feb 2005) (Donald H. Oliver).

¹⁴² House of Commons, *Journals*, 36th Parl, (27 April 1999) (Gurbax Singh Malhi).

...We cannot ignore the obvious It is clear that for teenagers the web has become a virtual hangout. For instance it was reported in *MCT Business News* in May 2007 that in the US more than 70% of girls aged 15 to 17 use social networking sites, such as MySpace and Facebook... Our children are adopting and adapting to the new communication technology. With the new opportunities however, come new negative realities. Cyberbullying combines the devastating psychological effects of both verbal and social bullying. The impact, however, can be even more profound, because the child who is being victimized often doesn't know who's doing the harassing, and many people can covertly witness or join in the bullying.¹⁴³

Our position is that the bill may in some format have an impact on it, but we see it as a larger problem. It's only a piece of a greater puzzle that we're concerned about. For example, many TV programs that kids watch are accessed through the Internet. They access things like YouTube. One of the greatest concerns teacher organizations all over the world have is the degree to which they're able to get at the Internet service providers who host the platforms and servers, such as social networking sites, programs like YouTube, to get the kind of cooperation or laws, be they national or international, that can get at inappropriate materials in any media coming to our children...We have heard in the most recent survey in Toronto that half of students have computers in their room now, and 75% of parents don't monitor what they watch.¹⁴⁴

In conclusion, before 2005, occasional concerns about violence in the media affecting children were raised. Most notably, after the Littleton, Colorado shootings. While no explicit link was made from exposure to violent media to school shootings, the proximity of the comments suggests that they are thought to be connected. In 1999, the examples of violence involved male aggressors shooting either female or female and male victims. In 2005, concerns about violence in the meeting arose again. This time, not only violence in television shows and movies was mentioned, but also violence in video games and the Internet. Again, no link between children's exposure to media violence and increases in violence was explicitly made; however, it seems to be suggested that the rise in incidences of bullying may be related. Terms about the affected children were gender neutral; however, statistics for rates of female social network users were offered, suggesting that girls may be both likely to bully and be bullied online. In these excerpts parents are characterized as having little influence over the media their children consume, and it is suggested that bills such as this one are important to ensure media is well regulated to prevent negative impacts on children.

9) HATE CRIMES

In 1995, it was first acknowledged that youth may have greater dexterity using the Internet than their parents, and that this made effective control of hate propaganda online increasingly important.

On March 31, 1995, Rey Pagtakhan (Winnipeg North, Lib.) moved "that in the opinion of this House, the government should move with speed to adopt legislative measures aimed at stopping the spread of hate propaganda via the electronic information highway while simultaneously preserving legitimate use of the freedom of speech and expression."¹⁴⁵ In response, Andy Scott (Fredericton-York-Sunbury, Lib) stated:

¹⁴³ Standing Committee on Canadian Heritage, 39th Parl (13 March 2008) (Emily Noble – President, Canadian Teachers' Federation).

¹⁴⁴ Standing Committee on Canadian Heritage, 39th Parl (13 March 2008) (Mr. Myles Ellis (Director of Economic and Member Services, Canadian Teachers' Federation).

¹⁴⁵ House of Commons, *Journals*, 35th Parl, (31 March 1995) (Rey Pagtakhan).

...postings on the Internet can easily be found by children, who many would agree... are among the most knowledgeable about this technology. Many use the info highway in schools and have greater understanding of it than their parents.... The child can easily be one step ahead of the adult, leaving the parent powerless in monitoring the child's activities and open to these postings. Herein lies the difficulty of parental control and why it is important for the government to be engaged in this exercise and to enact legislation that would actively prohibit this kind of message from being sent in the first place..."¹⁴⁶

From this excerpt we can see that even though children are considered to be the most knowledgeable about Internet use, even more so than their parents, they are still considered to be vulnerable to messages of hate propaganda. Moreover, it is assumed that parents will likely have little success on their own keeping their children safe from online hate speech.

In 1997, the Senate conducted discussions about the publication of hate propaganda on the Internet. These discussions stemmed from the G-8 Ministers of Justice and the Interior report, following a Washington meeting about hate propaganda and child pornography and the OECD hosted forum on self-regulation in relation to the Supreme Court decision regarding transboundary offences, *R. v. Libman*. (See Child Pornography, and Appendix 2 for more details)

Discussions about online hate speech, or "cyberhate" did not become common again until 2001. At that time it was stated that the number of "hate sites, particularly racist hate sites, such as anti-Semitic sites, ha[d] grown [over] the last three years from about 200 to over 5,000."¹⁴⁷ There was concern that this was "a very significant problem, particularly with regard to children." It was stated that "Although parents can put some limits and put up some shields, most children have absolute and total access. If they have access to the Internet, most of them have access to everything on the Internet."¹⁴⁸

Approximately a month after, discussions began to focus on plans to carry out the following tasks: Support initiatives that educate and empower Canadians, helping them to protect themselves and their families while using the Internet; Promote self-regulation in the Internet industry in order to involve the private sector in effectively addressing these issues; Empower law enforcement authorities to effectively investigate and prosecute individuals who use the Internet to exploit children; Implement an Internet "hotline" facility to which child pornography and hate propaganda can be reported; Foster international collaboration to address the global nature of these problems¹⁴⁹

It was noted that while the Internet provides many benefits to Canadians there was still concern about children's vulnerability to hate speech, especially given their high levels of Internet use:

The Internet offers tremendous economic and social opportunities. It also enables small groups of people, including racists, to make their presence known. Its advent may therefore increase the risk of racism becoming established somewhere on the planet. The Government acknowledges the public's concern about illegal and offensive content on the Internet and is promoting safe and responsible Internet use as well as addressing issues related to illegal and offensive content. Canadians are making greater and greater use of the Internet, whether at home, or in the workplace, school or library. By early 2000, one out of every two Canadians was using the Internet. The Internet can turn a home, a school or a library into a place of unlimited information and communication. However, along with these benefits come risks, including exposure to material considered to be pornographic, violent, hate-filled, racist or generally offensive... Ministers of Industry and of Justice launched the Canadian Strategy to Promote Safe, Wise and Responsible Internet Use,

¹⁴⁶ House of Commons, *Journals*, (31 March 1995) (Andy Scott).

¹⁴⁷ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, vol 139 (2 May 2001) (Noel A Kinsella).

¹⁴⁸ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, vol 139 (2 May 2001) (Sharon Carstairs).

¹⁴⁹ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, vol 139 (11 June 2001) (Fernand Robichaud).

to equip Canadians with resources to help protect children against the dangers of illegal and offensive Internet content.¹⁵⁰

And on June 11, he continued:

Like his honourable colleagues, the Minister of Industry indeed agrees that illegal content on the Internet, including hate propaganda and child pornography, poses a serious threat to children and other Canadians. There is also the matter of content that, while legal, may be offensive to some people and harmful to children. These issues are of great concern to Canadians. Research recently commissioned by the Government of Canada demonstrates that parents are very worried that their kids are going online with insufficient protection from those who want to exploit them. For this reason, some parents may avoid getting connected to the Internet in the first place.¹⁵¹

It is interesting that unsavory and potentially dangerous or offensive elements of the Internet were being raised, the Canadian Strategy to cope with them was being designed to “equip Canadians with resources to help protect children” against them. (Are children the only ones who need protection from these influences? Are adults immune to their effects?)

This also shows an argument for regulating hateful content, because, as indicated in the last line of the above quote, people may not otherwise engage in the new engine of economic growth that we’ve invested so much in.

In conclusion, hate speech on the Internet has not been a popular discussion topic at the parliamentary level since Canadians came online. In discussions of hate speech, I have found no distinction in the language used in reference to girls and boys, but children have been characterized as both tech savvy (and specifically more tech savvy than their parents) and susceptible to the impact of hateful messages. It has also been expressed that regulation is necessary to keep children safe from influences of hate propaganda, and that parents alone may have little success. (I would like to learn more about what impact exactly exposure to hate speech is assumed to have on children.)

9) FREEDOM OF SPEECH

Freedom of speech has not been a regular topic of parliamentary discussions. It was a concern in the mid 1990s when the Information Highway was expanding across the country through programs such as the Community Access Program and SchoolNet. It has primarily been discussed in the context of limiting hate propaganda online without infringing on freedom of expression. Discussions have not distinguished between how freedom of speech issues would differentiate between boys and girls and to date there has been no legislation specifically pertaining to children and the Internet.

10) ISP LIABILITY

In 2001, discussions of Bill C-15A, *An Act to amend the Criminal Code and to amend other Acts* included debate about the criminal liability of ISPs in the transmission of child pornography. In the report of the Standing Committee on Legal and Constitutional Affairs, it stated the following:

¹⁵⁰ Ibid.

¹⁵¹ Senate, *Journals of the Senate*, 37th Parl, 1st Sess, vol 139 (11 June 2001) (Fernand Robichaud).

...ISPs are not required to monitor what is on their systems, nor should they for privacy reasons. ... [I]t is the Government's intention that ISPs would only be held liable under the proposed law if they knew they were transmitting child pornography and they continued to offer the service. Furthermore, your Committee believes that it is essential that those who administer the criminal law be apprised of the Government's assurance on this matter.¹⁵²

After Bill C-15A was passed, ISP liability was not raised again until 2006, in relation to PIPEDA and lawful access to information from ISPs in order to obtain information that could stop the crime of child pornography.

The last discussions about ISP liability in relation to children and the Internet occurred in 2010 during debate about, *Bill C-58, an act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service*, which was never passed into law.

In conclusion, ISP liability has been discussed at the parliamentary level since the early 2000s. Other than Bill C-15A, no bills specifically pertaining to ISP liability for crimes committed against children online have been proposed and discussions about these issues have not differentiated between how boys and girls are affected.

11) MISCELLANEOUS

As the Internet has permeated increasing aspects of Canadian lives over the last twenty years, several additional issues pertaining to children have arisen. Two such examples, are the connection between increased Internet use and childhood obesity, and the effect of social networking on children's lives.

In 1999, during a discussion about amateur sport the Internet was referenced as a cause for inactivity resulting in youth obesity. Please see the below excerpt:

On June 7, 1999, Mr. George Proud (Hillsborough, Lib) stated:

Up until the post-war period people relied much more on manual labour to make a living. Technology has now made it possible for us to choose to lead less active lives. Street hockey has been replaced by video games. The Internet is making us more insular. Television is becoming a leisure activity, taking a huge chunk out of our recreation time, from 17 to 19 hours a week for children between the ages of 2 and 17. Ironically, much of it is spent watching sports events...As we approach the 21st century and information technology, the Internet and computers become more common, the tendency of people to be inactive will increase. We will be able to shop from home, talk to our friends and play recreational games over phone lines. It all points to a more insular and less active society. Frankly, this scares me...This sort of inactivity is deadly. Inactivity is a primary factor for cardiac disease, affecting one in five Canadians. Often an inactive adult was an inactive child and that is why we as a committee recognized the need for continued support for amateur sport and for children.

No legislation was introduced relating to the link between increased Internet use and childhood obesity. Here, the Internet is discussed in terms of its risk to childhood health. Gender neutral terms were used in reference to the affected children (however, reference to traditionally male sports, such as street hockey, was made).

Another element of children's lives that surprisingly has not been a greater source of discussion is social networking. Social networking was first mentioned in 2006, by Privacy Commissioner,

¹⁵² House of Commons, 37th Parl, 1st Sess, (9 May 2002) (Lorna Milne).

Jennifer Stoddart, during her introductory remarks to Senate when she spoke about her nomination for reappointment. She said:

... It took a lot of hard work, but we got our house back in order and returned our focus to where it should be, on privacy protection. Since then, the massive challenges that have emerged in a compressed time frame are nothing short of astonishing. Technological advances have brought us social networking, You Tube, Foursquare and any number of other novel and new ways to communicate.

Personal information has also become an increasingly valuable commodity for private sector organizations. Meanwhile, governments around the world are collecting more and more of our personal information as part of national security and law enforcement initiatives.¹⁵³

Here, while neither boys nor girls are specifically mentioned in this excerpt, and while no statistics about social networking use were presented, youth are implicitly mentioned here because they are commonly associated with social networking sites, having been the first generation to grow up with them as a normal part of their lives.

Little was said about social networking until 2010 when Bill C-22 (An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service) was introduced and shortly thereafter passed into law. Even in discussions of this bill, not much was said about children and social networking, in relation to its impact on friendships, self-image, privacy, etc.. Instead, as you will see in the below quote, concerns about children's use of social networking sites focused on protecting children from the online threat of sexual exploitation (namely child pornography) that it could facilitate:

Under the bill, providers of Internet services—Internet access, email, hosting and social networking sites—will now be required to report to a designated organization, to be determined at a later date by regulation, any information they receive about websites that make child pornography be available to the public. They will also be required to notify the police and preserve the evidence if they believe that their Internet service has been used to commit a child pornography offence.¹⁵⁴

Social networking has also been discussed as a venue for cyberbullying (please see "Cyberbullying section, above).

In conclusion, in relation to social networking, increased threats to privacy and sexual exploitation have been discussed. Gender-neutral terminology was used in these discussions, and no particular groups of children were singled out in the discussions.

¹⁵³ 3rd Session, 40th Parliament, Volume 147, Issue 70 Thursday, November 25, 2010 Privacy Commissioner Jennifer Stoddart—Received in Committee of the Whole

¹⁵⁴ House of Commons, *Journals*, 40th Parl, 3rd Sess, No 96, (15 Nov 2010) (Andre Bellavance).

C) CONCLUSION

I) which children are paired w each discourse (if applicable)

- 1) Information Superhighway (Education, Economic Opportunities and Expansion of the Internet)
 - Ungendered¹⁵⁵
 - Tech-savvy, energetic kids¹⁵⁶
 - First Nations children¹⁵⁷
 - Non-school age children¹⁵⁸
 - Handicapped children¹⁵⁹
- 2) Child Pornography
 - children as our future, our most precious citizens
 - vulnerable children, children as victims, in need of protection
 - typically gender neutral language regarding legislation, but several actual examples of girls involved in child pornography cases
 - strong disgusted reaction to cases of child pornography involving especially young girls/children
- 3) Luring/Sexual Exploitation
 - gender neutral language is used to discuss bills
 - examples of sexual exploitation all involve girls
 - acknowledgment that girls are disproportionately affected more than boys
 - concern about young victims
- 4) Age of Consent
 - vulnerable children
 - Aboriginal children
 - naïve girls
 - knowing, seductive and manipulative girls
- 5) Privacy
 - examples of infant female victims of child pornography
 - gender neutral references to children completing surveys online
- 6) Bullying and Harassment
 - gender neutral terms
 - statistics for girls' use of social networking sites indicate they are regularly online and therefore susceptible to cyberbullying
- 7) Exposing Children to Pornography
- 8) Exposing Children to Violence in the Media
 - when mentioned in late 90s it was brought up in the context of media violence inciting men to act out against females, or males and females (school shootings)¹⁶⁰
 - In 2005 media violence is suggested to be linked to increased rates of bullying

¹⁵⁵ Ibid.

¹⁵⁶ Senate, *Journals of the Senate*, 36th Parl, 2nd Sess, vol 138 (12 Oct 1999) (Gildas Molgat).

¹⁵⁷ Senate, *Journals of the Senate*, 39th Parl, 1st Sess, vol 143 (22 June 2006) (Robert W. Peterson).

¹⁵⁸ Ibid.

¹⁵⁹ House of Commons, *Journals*, 36th Parl, 1st Sess, No 35 (21 Nov 1997) (Helene Alarie).

¹⁶⁰ House of Commons, *Journals*, Tuesday, April 27, 1999, Mr. Gurbax Singh Malhi

- 9) Hate Crimes
 - Tech savvy kids, who are more familiar with the Internet than their parents
 - Children who are vulnerable to messages of hate propoganda
- 10) Freedom of Speech
- 11) ISP liability
- 12) Miscellaneous
 - Internet use and childhood obesity
 - gender neutral terms were used, perhaps boys are implicitly referenced due to a reference to traditionally male sports
 - Social Networking
 - Gender neutral terms were used
 - Concern about threats to privacy, implicitly in reference to children who are commonly associated with social networking use
 - Concern about children’s vulnerability to child pornography

II) which risks/opportunities relate to children’s use of technology in the discussions

- 1) Information Superhighway (Education, Economic Opportunities and Expansion of the Internet)
 - Opportunity: education, jobs, economic growth, creativity, etc.
 -
- 2) Child Pornography
 - Risk: Facilitation of distribution of child pornography, decreasing risk of being caught¹⁶¹
 - Risk: “complex” nature of the Internet a challenge to regulate
- 3) Luring/Sexual Exploitation
 - Risk: increased risk to children from luring sexual predators as more come online
- 4) Age of Consent
 - Risk: Internet may facilitation relationships in which children are exploited by older individuals
- 5) Privacy
 - Risk: Internet may increase threats to children’s privacy rights
- 6) Bullying and Harassment
 - Risk: high levels of Internet use, and especially social networking sites, make children at risk for cyberbullying
- 7) Exposing Children to Pornography
 - Risk: Internet use may put youth at risk of exposure to pornography (especially through exposure to spam)
- 8) Exposing Children to Violence in the Media
 - Risk: inciting violence in youth
- 9) Hate Crimes
 - Risk: vulnerable children may be exposed to messages of hate speech, adults assumed to be impervious
- 10) Freedom of Speech
- 11) ISP liability
- 12) Miscellaneous
 - Internet use and childhood obesity

¹⁶¹ House of Commons, *Journals*, (22 Sept 2000) Parl 37, (Rick Casson).

- Risk: increased Internet use could lead to inactivity, and in turn obesity and health problems
- Social Networking
 - Risk: could threaten privacy
 - Risk: could put children at risk of sexual exploitation, namely child pornography

III) which discourses are discussed either implicitly or explicitly in association with girls and which representations of girls are made

- 1) Information Superhighway (Education, Economic Opportunities and Expansion of the Internet)
- 2) Child Pornography
 - typically gender neutral language regarding legislation, but several actual examples of girls involved in child pornography cases (no instances of boys as victims of child pornography were explicitly described)
 - victims of child pornography (disproportionately female examples) portrayed as vulnerable, in need of protection
- 3) Luring/Sexual Exploitation
 - gender neutral language is used to discuss bills
 - examples of sexual exploitation all involve girls
 - acknowledgment that girls are disproportionately affected more than boys
 - concern about young victims
- 4) Age of Consent
 - vulnerable children
 - Aboriginal children
 - naïve girls
 - knowing, seductive and manipulative girls
 - gender neutral language is used to discuss bills
 - examples of sexual exploitation all involve girls
- 5) Privacy
 - examples of infant female victims of child pornography
 - gender neutral references to children completing surveys online
- 6) Bullying and Harassment
 - gender neutral terms
 - statistics for girls' use of social networking sites indicate they are regularly online and therefore susceptible to cyberbullying
- 7) Exposing Children to Pornography
 - gender neutral terms
- 8) Exposing Children to Violence in the Media
 - gender neutral terms
 - statistics for girls' use of social networking, a medium through which cyberbullying regularly occurs
- 9) Hate Crimes
 - gender neutral terms
 - tech savvy kids, apt at navigating the Internet
 - kids are vulnerable to messages of hate speech
- 10) Freedom of Speech

- 11) ISP liability
- 12) Miscellaneous
- Internet use and childhood obesity
- Social Networking

IV) which discourses seem to be informed by data/research involving discussions with children

- 1) Information Superhighway (Education, Economic Opportunities and Expansion of the Internet)
 - conversations with children with handicaps about how they felt about using the Internet
- 2) Child Pornography
 - a few instances of conversations with victims of child pornography and the effect it had on their lives
- 3) Luring/Sexual Exploitation
- 4) Age of Consent
- 5) Privacy
- 6) Bullying and Harassment
 - statistics of how many children are affected by cyberbullying (from Dec 12 2011 Human Rights Committee meeting):
 - “This is a problem that many of our young people are facing. In fact, recent studies have indicated that 25 per cent of young net surfers say they have received hate messages about other people by email. Thirty-four per cent of 9-to-17- year olds say that they have been victims of bullying during the school year. Of these, 27 per cent were victims of cyber- bullying.”¹⁶²
 - More was provided from Bill Beasley, founder of cyberbullying.org.
- 7) Exposing Children to Pornography
- 8) Exposing Children to Violence in the Media
- 9) Hate Crimes
- 10) Freedom of Speech
- 11) ISP liability
- 12) Miscellaneous
 - Internet use and childhood obesity
 - Social Networking

¹⁶² Standing Senate Committee on Human Rights, 41st Parl (12 December 2011) (Mobina Jaffer).

D) APPENDICES FOR EACH POLICY STREAM

- a. history of legislation related to this stream (including full citations, history of entry into force and, where applicable, how one parliament is linked to another that died on the order paper in an earlier parliament)

1) LIST OF BILLS

35th Parliament, 2nd Session

February 27, 1996 - April 27, 1997

C-27, an act to amend the Criminal Code (child prostitution, child sex tourism, criminal harassment and female genital mutilation)

Last Stage Completed: Royal Assent, 25 April 1997

House of Commons

First Reading: 18 April 1996

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=35&Ses=2&DocId=2332567#1625>

Second Reading – June 10, 1996

Minutes of Proceedings and Evidence of the Standing Committee on Justice and Legal Affairs – Issue No. 4 (October 1, 1996); and Issue No. 6 (November 1, 5, 7, 19, 21, 26, 27, and 28, and December 3 and 4, 1996)

Report of Committee (Sessional Paper No. 8510-352-63) – December 5, 1996

Debated at report stage – April 7 and 8, 1997

Third Reading – April 14, 1997

Senate

First Reading – April 15, 1997

Second Reading – April 15 and 16, 1997

Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs – Issue No. 59, First and Final Proceedings (April 17, 1997)

Report of Committee – April 17, 1997

Third Reading – April 21, 1997

Royal Assent received on April 25, 1997, and proclaimed into force on May 26, 1997. See S.C. 1997, c. 16.

35th Parliament, 2nd Session

February 27, 1996 - April 27, 1997

C-246, An Act to amend the Criminal Code (sexual exploitation of children outside Canada)

Last Stage Completed: (not sure, but did NOT receive Royal Assent)

35th Parliament, 2nd Session

February 27, 1996 - April 27, 1997

C-391, an act to amend the Criminal Code (penalties for sexual offences involving children)

Sponsor: John Finlay (Oxford, Lib)

Last Stage Completed: First reading in the House of Commons

35th Parliament, 2nd Session

February 27, 1996 - April 27, 1997

C-396 – An Act to restrict the use of the Internet to distribute pornographic material involving children

Short title: Internet Child Pornography Prevention Act

Sponsor: Chris Axworthy (Saskatoon-Clark's Crossing, NDP)

This act has been reinstated in every Parliamentary session since it was first introduced in 1996.

Last stage completed: Introduction and First Reading in the House of Commons (2011-09-19), in 41st Parliament, 1st session

This bill has also appeared as:

- **C-424, an act to prevent the use of the Internet to distribute pornographic material involving children** (36th Parliament, 1st session)
- **C-231, an act to prevent the use of the Internet to distribute pornographic material involving children** (36th Parliament, 2nd session)
- **C-212, an act to prevent the use of the Internet to distribute pornographic material involving children** (37th Parliament, 1st session)
- **C-234, an act to prevent the use of the Internet to distribute pornographic material involving children** (37th Parliament, 2nd session)
- **C-234, an act to prevent the use of the Internet to distribute pornographic material involving children** (37th Parliament, 3rd session)
- **C-254, an act to prevent the use of the Internet to distribute pornographic material involving children** (38th Parliament, 1st session)
- **C-214, an act to prevent the use of the Internet to distribute pornographic material involving children** (39th Parliament, 1st session)
- **C-506, an act to prevent the use of the Internet to distribute pornographic material involving children** (39th Parliament, 2nd session)
- **C-214, an act to prevent the use of the Internet to distribute pornographic material involving children** (39th Parliament, 2nd session)
- **C-209, an act to prevent the use of the Internet to distribute pornographic material involving children** (40th Parliament, 1st session)
- **C-209, an act to prevent the use of the Internet to distribute pornographic material involving children** (40th Parliament, 2nd session)
- **C-209, an act to prevent the use of the Internet to distribute pornographic material involving children** (40th Parliament, 3rd session)
- **C-271, an act to prevent the use of the Internet to distribute pornographic material involving children** (41st Parliament, 1st session)

36th Parliament, 1st Session

September 22, 1997-September 18, 1999

C-245, an act to amend the Criminal Code (penalties for sexual offences involving children)

This bill has been reinstated from:

35th Parliament, 2nd session

Sponsor: John Finlay (Oxford, Lib)

Last Stage Completed: Second Reading, March 17, 1998

36 Parliament, 1st session

September 22, 1997-September 18, 1999

C-17 – An Act to Amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture act

Sponsor: John Manley, Minister of Industry

Last stage completed: Royal Assent, May 12, 1998

36 Parliament, 1st session

September 22, 1997-September 18, 1999

C-51- An Act to Amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act

Last stage completed: Royal Assent, March 11, 1999

36th Parliament, 2nd Session

October 12, 1999 - October 22, 2000

C-321 – An Act to amend the Criminal Code to provide for the forfeiture of property relating to child pornography crimes

Sponsor: Rick Casson (Lethbridge, Canadian Alliance)

Last Stage Completed: First reading in the House of Commons

37th Parliament, 1st Session

January 29, 2001 - September 16, 2002

C-15 - An Act to amend the Criminal Code and to amend other Acts

Short Title: Criminal Law Amendment Act, 2001

Sponsor: Minister of Justice

Last Stage Completed: Committee Report Presented in the House of Commons (2001-10-03)

37th Parliament, 1st Session

January 29, 2001 - September 16, 2002

C-15A - An Act to amend the Criminal Code and to amend other Acts

Short Title: Criminal Law Amendment Act, 2001

Sponsor: Minister of Justice

Last Stage Completed: Royal Assent (2002-06-04)

37th Parliament, 1st Session

January 29, 2001 - September 16, 2002

C-15B: An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act

Sponsor: Minister of Justice

Last Stage Completed: Second Reading in the Senate (2002-06-13)

37th Parliament, 1st Session

January 29, 2001 - September 16, 2002

C-210 - An Act to prevent the use of the Internet to distribute material that advocates, promotes or incites racial hatred, violence against women or child pornography

Short Title: Clean Internet Act

Sponsor: Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore)

Last Stage Completed: Introduction and First Reading in the House of Commons (2001-02-05)

Previously: Bill C-507 in 36th Parliament, 2nd Session, sponsored by Gordon Earle (Halifax-West, NDP)

37th Parliament, 1st Session

January 29, 2001 - September 16, 2002

C-278 - An Act to amend the Criminal Code (prohibited sexual acts) [‘Age of Consent Bill’]

Sponsor: Art Hanger (Calgary Northeast)

Last Stage Completed: Introduction and First Reading in the House of Commons (2001-02-26)

Previously: Bill C-209, 36th Parliament, 2nd Session, Bill C-255, 36th Parliament 2nd Session, Bill C-291, 35th Parliament, 2nd Session

Subsequently reintroduced as: Bill C-215, 37th Parliament 2nd Session, Bill C-313, 38th Parliament, 1st session

37th Parliament, 2nd Session

September 30, 2002 - November 12, 2003

C-20 - An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

Sponsor: Minister of Justice

Last Stage Completed: Committee Report Presented in the House of Commons (2003-10-30)

37th Parliament, 2nd Session

September 30, 2002 - November 12, 2003

C-215 - An Act to amend the Criminal Code (prohibited sexual acts)

Sponsor: Art Hanger (Calgary Northeast)

Last Stage Completed: Introduction and First Reading in the House of Commons (2002-10-07)

37th Parliament, 3rd Session

February 2, 2004 - May 23, 2004

This bill has been reinstated from:

37th Parliament, 2nd Session

C-234 - An Act to prevent the use of the Internet to distribute pornographic material involving children

Short Title: Internet Child Pornography Prevention Act

Sponsor: Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore)

Last Stage Completed: Introduction and First Reading in the House of Commons (2002-10-21)

37th Parliament, 3rd Session

February 2, 2004 - May 23, 2004

C-12 – an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

Sponsor: Minister of Justice

Last Stage Completed: First Reading in the Senate (2004-05-13)

37th Parliament, 3rd Session

February 2, 2004 - May 23, 2004

C-16 - An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

Short Title: Sex Offender Information Registration Act

Sponsor: Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness

Last Stage Completed: Royal Assent (2004-04-01)

This bill had previously been passed by the House of Commons as Bill C-23 in the Second Session of the 37th Parliament.

38th Parliament, 1st Session

October 4, 2004 – November 29, 2005

C-2 - An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

Sponsor: Minister of Justice

Last Stage Completed: Royal Assent (2005-07-20)

This bill was previously tabled by the government as Bill C-20 in 2002.

38th Parliament, 1st Session

October 4, 2004 - November 29, 2005

S-15 - An Act to prevent unsolicited messages on the Internet

Short Title: Spam Control Act

Sponsor: Sen. Donald H. Oliver

Last Stage Completed: Introduction and First Reading in the Senate (2004-10-20)

39th Parliament, 1st Session

April 3, 2006 - September 14, 2007

C-22: An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act

Sponsor: Minister of Justice

Last Stage Completed: Second Reading in the Senate (2007-06-20)

Subsequently: taken up in its entirety in Bill C-2, 39th Parliament, 2nd Session

38th Parliament, 1st Session

October 4, 2004 - November 29, 2005

C-313 - An Act to amend the Criminal Code (prohibited sexual acts)

Sponsor: Rick Casson (Lethbridge)

Last Stage Completed: Introduction and First Reading in the House of Commons (2004-12-07)

39th Parliament, 1st Session

April 3, 2006 - September 14, 2007

C-277 - An Act to amend the Criminal Code (luring a child)

Sponsor: Ed Fast (Abbotsford)

Last Stage Completed: Royal Assent (2007-06-22)

39th Parliament, 1st Session

April 3, 2006 - September 14, 2007

This bill has been reinstated in a subsequent session:

39th Parliament, 2nd Session

C-327 - An Act to amend the Broadcasting Act (reduction of violence in television broadcasts)

Sponsor: Bernard Bigras (Rosemont—La Petite-Patrie)

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons, (2007-04-25)

39th Parliament, 1st Session

April 3, 2006 - September 14, 2007

This bill has been reinstated in a subsequent session:

39th Parliament, 2nd Session

C-427 - An Act to prevent the use of the Internet to distribute child pornography, material that advocates, promotes or incites racial hatred, and material that portrays or promotes violence against women

Short Title: Clean Internet Act

Sponsor: Joy Smith (Kildonan—St. Paul)

Last Stage Completed

Introduction and First Reading in the House of Commons (2007-04-18)

Previously: Bill C-507 in 36th Parliament, 2nd Session, sponsored by Gordon Earle (Halifax-West, NDP)

Bill C-210, 37th Parliament, 1st Session, sponsored by Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore)

39th Parliament, 2nd Session

October 16, 2007 - September 7, 2008

C-13 - An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)

Sponsor: Minister of Justice

Last Stage Completed

Royal Assent (2008-05-29)

39th Parliament, 2nd Session

October 16, 2007 - September 7, 2008

C-2 – An Act to amend the Criminal Code and to make consequential amendments to other acts

Short Title: Tackling Violent Crime Act

Last Stage Completed: Royal Assent (2009-02-28) [included increasing age of consent from age 14 to age 16]

39th Parliament, 2nd Session

October 16, 2007 - September 7, 2008

This bill has been reinstated from:

39th Parliament, 1st Session

C-214 - An Act to prevent the use of the Internet to distribute pornographic material involving children

Short Title: Internet Child Pornography Prevention Act

Sponsor: Peter Stoffer (Sackville—Eastern Shore)

Last Stage Completed: Introduction and First Reading in the House of Commons (2006-04-06)

40th Parliament, 2nd Session

January 26, 2009 - December 30, 2009

C-42 - An Act to amend the Criminal Code

Short Title: Ending Conditional Sentences for Property and Other Serious Crimes Act

Sponsor: Minister of Justice

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2009-10-26)

40th Parliament, 2nd Session

January 26, 2009 - December 30, 2009

C-46 - An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act

Short Title: Investigative Powers for the 21st Century Act

Sponsor: Minister of Justice

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2009-10-27)

40th Parliament, 2nd Session

January 26, 2009 - December 30, 2009

**C-47 - An Act regulating telecommunications facilities to support investigations
Short Title: Technical Assistance for Law Enforcement in the 21st Century Act**

Sponsor: Minister of Public Safety

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2009-10-29)

40th Parliament, 2nd Session

January 26, 2009 - December 30, 2009

C-58 - An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service

Short Title: Child Protection Act (Online Sexual Exploitation)

Sponsor: Minister of Justice

Last Stage Completed: Second Reading and Referral to Committee in the House of Commons (2009-11-27)

40th Parliament, 2nd Session

January 26, 2009 - December 30, 2009

Bill Reinstated

This bill has been reinstated in a subsequent session:

40th Parliament, 3rd Session

C-355 - An Act to amend the Criminal Code (cyberbullying)

Sponsor: Hedy Fry (Vancouver Centre)

Last Stage Completed: Introduction and First Reading in the House of Commons (2009-04-01)

40th Parliament, 3rd Session

March 3, 2010 - March 26, 2011

S-2 - An Act to amend the Criminal Code and other Acts

Short Title: Protecting Victims From Sex Offenders Act

Sponsor: Leader of the Government in the Senate

Last Stage Completed: Royal Assent (2010-12-15)

40th Parliament, 3rd Session

March 3, 2010 - March 26, 2011

C-22 - An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service

Sponsor: Minister of Justice

Last Stage Completed: Royal Assent (2011-03-23)

40th Parliament, 3rd Session

March 3, 2010 - March 26, 2011

This bill has been reinstated from:

40th Parliament, 2nd Session

C-209 - An Act to prevent the use of the Internet to distribute pornographic material involving children

Short Title: Internet Child Pornography Prevention Act

Sponsor: Peter Stoffer (Sackville—Eastern Shore)

Last Stage Completed: Introduction and First Reading in the House of Commons (2008-11-21)

40th Parliament, 3rd Session

March 3, 2010 - March 26, 2011

This bill has been reinstated from:

40th Parliament, 2nd Session

C-268 - An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)

Sponsor: Joy Smith (Kildonan—St. Paul)

Last Stage Completed: Royal Assent (2010-06-29)

41st Parliament, 1st Session

June 2, 2011 - Present

C-273 - An Act to amend the Criminal Code (cyberbullying)

Sponsor: Hedy Fry (Vancouver Centre)

Last Stage Completed: Introduction and First Reading in the House of Commons (2011-09-19)

2) REPORTS AND CAMPAIGNS

1) INFORMATION SUPER HIGHWAY

2) CHILD PORNOGRAPHY

- Publication on Internet of Child Pornography
 - Report from G-8 Ministers of Justice and the Interior (Washington meeting), re: hate propaganda and child pornography
- Publication on Internet of Child Pornography
 - OECD hosting forum on self-regulation (meeting in Paris)
- SCC *R v. Libman*, 1985, re. transboundary offences
- “Innocence Exploited: Child Pornography in the Electronic Age,” prepared for the Canadian Police College, by Winnipeg Professor Doug Skoog
- Campaign for National Strategy to Combat Child Pornography, Child Abuse and Elder Abuse (senate 2001)

3) CHILD LURING

- Department of Justice
- “Mandatory Minimum Penalties: Their Effects on Crime, Sentencing Disparity and Justice System Expenditures,” written by “two university professors from Ottawa” in 2002
- Andrea Cohen, President of the Board of Directors of the Canadian Federation for Sexual Health

• AGE OF CONSENT

- Statistics Canada
 - 2005 Juristat on Children and Youth as Victims of Violent Crimes
- November 2000 an international report on child abuse by an organization called, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes

5) PRIVACY

6) BULLYING AND HARASSMENT

- PREVNet did 82 different projects with our organizations in five years. Girl Guides, for example, were concerned about aggression among girls, so we worked with them to develop an electronic training for the 22,000 Girl Guide leaders across the country.
- Public Health Agency of Canada
- Red Cross’s Walking the Prevention Circle
- SnapGirls Prevention Program

7) EXPOSING CHILDREN TO PORNOGRAPHY

8) EXPOSING CHILDREN TO MEDIA VIOLENCE

9) HATE CRIMES

- Report from G-8 Ministers of Justice and the Interior (Washington meeting), re: hate propaganda and child pornography

10) FREEDOM OF SPEECH

11) ISP LIABILITY

12) MISCELLANEOUS

- Internet use and childhood obesity
- Social Networking

3) LIST OF POLICY INTERVENORS

(above-mentioned intervenors and the submissions they filed on any of the issues)

1) INFORMATION SUPERHIGHWAY

2) CHILD PORNOGRAPHY

3) LURING/SEXUAL EXPLOITATION

- Canadians Addressing Sexual Exploitation
- *Dr. Ron Langevin (Forensic Psychologist, Juniper Associates, As an Individual)*
- Staff Sergeant Mike Frizzell, who is with Strategic and Operational Support, National Child Exploitation Coordination Centre, Royal Canadian Mounted Police
- Normand Wong, Counsel, Criminal Law Policy Section, Department of Justice Canada
- Carole Morency - Senior Counsel, Criminal Law Policy Section, Department of Justice

4) AGE OF CONSENT

- Re. Bill C-2 (referenced in Senate discussions February 27, 2008):
- 55 witnesses appeared before the Senate Legal Committee, including the following:
- Elizabeth Fry Society
- John Howard Society
- police
- RCMP
- Witnesses who are victims of crime
- Ontario College of Teachers
- Jason Gratl, President of the British Columbia Civil Liberties Association, testified before the Justice Committee
- Professor Daphne Gilbert from the Faculty of Law, Common Law Section at the University of the Ottawa
- Statistics Canada's 2005 *Juristat on Children and Youth as Victims of Violent Crime*

5) PRIVACY

- Valerie Steeves, Department of Criminology, UOttawa, as an individual)
- Public Interest Advocacy Centre
- OECD guidelines on transborder data
- APEC privacy framework, 2004
- Personal Information Protection and Electronic Documents Act
- BC's Personal Information Protection Act
- Canadian Marketing Association

- Canadian Resource Centre for Victims of Crime
- National Child Exploitation Coordination Centre

6) BULLYING AND HARASSMENT

- Canadian Teachers' Federation
 - 2003 national survey "Kids' Take on Media"
 - lots of stats about game playing, parental involvement and links to students
 - physically
 - assaulting/intimidating/verbally abusing others
 - survey made possible through the DoJ's National Crime Prevention Centre
 - 2007 comprehensive survey of teachers "School Teachers in Canada: Context, Profile and Work"
 - provides stats regarding school concerns, the chief response was intimidation or bullying among students
 - 2008 poll "National Issues in Education"
- Media Awareness Network
 - 2003 – 2005 study "Young Canadians in a Wired World"
 - Bill C-277 (May 31, 2006) Paul Dewar: With Media Awareness Network, we were able to teach students from the elementary level to high school and show them what kinds of media were out there and how to interpret some of the images. Let us be honest, it is quite confusing for someone who is four, five or six years of age to see some of these images in magazines, on television screens and on the Internet, and to try to understand how that relates to what they see in their everyday lives.
- Canadian School Board Association
- Canadian Home and School Federation
 - Tips bulletin for parents and a teachers' study activity guide
- Mr. Bill Belsey, President and founder of Bullying.org. He is also a creator of www.cyberbullying.org, the world's first website about the issue of cyber-bullying. He is often cited as the person who first introduced this word into common usage. Finally, Mr. Belsey is an award-winning educator from Alberta, and currently teaches grade 5 at Springbank Middle School.¹⁶³
- Wendy Craig, from Queen's University. We are very pleased to have her here. She is with the Promoting Relationships and Eliminating Violence Network, PREVNet, a coalition of Canadians concerned about bullying.¹⁶⁴
- Debra Pepler, a full professor of psychology at York University and a senior executive member of the LaMarsh Centre for Research on Violence and Conflict Resolution.¹⁶⁵

7) EXPOSING CHILDREN TO PORNOGRAPHY

- Catholic Women's League

8) EXPOSING CHILDREN TO MEDIA VIOLENCE

9) HATE CRIMES

- G-8 Ministers of Justice and the Interior report, following a Washington meeting about hate propaganda and child pornography and the OECD hosted forum on self-regulation in relation to the Supreme Court decision regarding transboundary offences, *R. v. Libman*

¹⁶³ Standing Senate Committee on Human Rights, 41st Parl (12 December 2011) (Mobina Jaffer).

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

10) FREEDOM OF SPEECH

11) ISP LIABILITY

12) MISCELLANEOUS

Internet use and childhood obesity
Social Networking