

BEYOND BORDERS INC.
AU-DELÀ DES FRONTIÈRES INC.

ENSURING GLOBAL JUSTICE FOR CHILDREN

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March 27, 2005

Dear Members of Parliament and the Senate,

Re: Misinformation on the age of consent

On April 19, 2005, Beyond Borders will be appearing before The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness to discuss the age of consent in Bill C-2. Prior to our appearance, I have been reading the evidence on C-2 in order to ensure that the information you are being given is accurate. On reading The Honourable Irwin Cotler's testimony on Feb 22, I was shocked and disappointed. It is my view that he has misinformed you on the British and German legislation on consent. Also his comments on our supposed "like-minded countries" like Japan and Mexico to justify Canada's low age of consent stood out as being preposterous. Minister Cotler also failed to mention all the truly like-minded countries like Australia, the US, New Zealand, Ireland etc that do protect children to 16 from all forms of sexual abuse by adults. Why?

I contacted a world expert in the UK on child abuse to review Minister Cotler's evidence. John Carr is a London University Law graduate and associate director of NCH's Children and Technology Unit. Attached is his letter to The Standing Committee.

Minister Colter also stated on the historical background of the age of consent that "It's interesting and I looked into the history of this, and I must say that I was a bit surprised- because it's always said that it was the Mulroney government that put forward 14. Sometimes a myth

takes on a certain characterization of legend and fact. The point is that it's been at the age of 14 since 1890, so it has been with us for a long time." Unfortunately that statement is also incorrect! The information is available at

<http://www.parl.gc.ca/information/library/PRBpubs/prb993-e.htm>.

where the report states

“Over time, the Canadian criminal law also provided qualified protection from sexual exploitation for females over 14. For example, the Badgley Report notes that seduction of a girl over 12 and under 16 "of previously chaste character" was made an offence in 1886. The offence was retained in the 1892 *Criminal Code*, in respect of girls between 14 and 16, and remained in force until 1920, when the offence was changed to prohibit "sexual intercourse." After 1920, the question of who was more to "blame" became an issue that could lead to acquittal but the offence remained in force until 1988.”

It is very unfortunate that the Canadian government will not relent and protect children to age 16 instead of drafting legislation that child molester John Robin Sharpe applauds, is so heavily balanced against vulnerable disadvantaged children who make very poor witnesses, is a gift to defence counsel as it is full of loopholes, breaches the Convention on the Rights of the Child and is, for some reason, also supported with misinformation.

The board of Beyond Borders would like to know if you support amending Bill C-2 to protect children from abusers to age 16, the international norm?

We look forward to hearing from you on this important issue.

Sincerely,

Rosalind Prober

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