



Bill C-267:
Proposed legislative amendments to raise the age of consent

A position paper of the
Probation Officers Association of Ontario

Fall 2006

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Preface

The purpose of this paper is to provide information regarding the proposed legislative amendments to the Canadian Criminal Code that would raise the legal age of consent in Canada. The Probation Officers Association of Ontario (POAO) has been involved in issues of professional interest to Probation Officers for over 50 years. POAO has continually endeavored to maintain the highest level of integrity in our profession through periods of significant change and evolution.

It is evident that the nature and type of offenders Probation Officers supervise have changed and as such, legislation needs to reflect and address these significant changes in criminal behavior. Specifically, with the advent of the Internet, there is the potential for offenders to reach victims that they would traditionally not have had access to. Concern surrounding the use of the Internet for child luring and sexual exploitation has been one of the many catalysts for the current Conservative Government to introduce new legislation to combat these behaviours. The following paper will analyze in greater detail Bill C-267 and its proposed legislative amendments.

Bill C-267

In June of 2006 the Conservative Government, under the leadership of Prime Minister Harper, introduced Bill C-267 with proposed amendments to the Criminal Code of Canada. The amendments include raising the age of consent within Canada from 14 to 16 years of age. In Canada currently, the age of consent to engage in sexual activity is 14 years of age and signifies the age at which one is legally allowed to engage in sexual activity.

Recently, there has been a strong movement to strengthen Canadian law to help prevent the sexual exploitation of children and youth. An example of this occurred in 2005 when Bill C-2 received Royal Assent. This new law criminalizes anyone engaging in an "exploitative" sexual relationship with a person under the age of 18. This law applies to sexual activity involving prostitution, pornography, or where a relationship of trust, authority, and/or dependency exists or any other situation that is otherwise exploitative of a young person.

One of the driving forces behind Bill C-267 was the case of Dale Bechham, a 31-year-old American who was arrested in a hotel room in Ottawa with a 14-year-old boy he met online. Charges were laid in respect to luring and abducting a child

under the age of 16, but since they participated in consensual sex, Beckham was not charged with any child exploitation crimes.

This case exemplified and identified a serious omission in the current Canadian law, which did not prevent the exploitation of this youth. As indicated by Justice Minister Vic Toews, "...changing the law will bring Canada's standards into line with those of several other countries....Canada's relatively low age of consent has attracted sexual predators from more restrictive countries..." (MSNBC: 2006). Justice Minister Toews continued, "...our goal in this legislation is not to criminalize teenage youth who may be involved in sexual activity with their peers, it is to make the law more effective in protecting vulnerable people from adult sexual predators..." (MSNBC: 2006).

When asked about support for the proposed legislation Justice Minister Toews submitted there is "...widespread public support for the proposed legislation among law enforcement and child protection agencies, as well as ordinary Canadians..." (CBC news:June, 2006). Justice Minister Toews concluded "...by increasing the age of protection to 16 years, while recognizing that there must be some reasonable exceptions, we can take an important step towards strengthening our child protection laws ..." (Department of Justice Canada: June, 2006)

To ensure that teenagers who engage in consensual sexual activity are not criminalized, the proposed amendments of Bill C-267 includes a "close-in-age" exception, which allows consenting activity between teenagers with less than five years age difference. This clause does not apply to any individual under the age of 14.

Evaluation:

It is the position of POAO to support proposed Bill C-267. In our capacity as adult Probation and Parole Officers and youth Probation Officers, the long-term ramifications of sexual victimization experienced by both the victim and other community members are evident. POAO is a staunch supporter of comprehensive, pro-active and responsible governmental legislation that attempts to address areas where any type of sexual exploitation and/or sexual abuse may occur.

The proposed Bill would provide a strong deterrent to offenders who attempt to utilize the internet to foster and then engage in sexual relationships with children and youth. Further, raising the age of consent would strengthen Canada's child protection laws and ensure that Canada does not become a safe haven for sexual predators from countries with more restrictive legislation.

It is clear that the intent of the legislation is not to penalize consenting teenagers from engaging in sexual activity; rather the clear target of these proposed

reforms are adults who sexually prey upon children and youth. It is recognized that such a Bill is not a replacement for educating youth to make informed choices regarding sexual activity. More accurately, proposed Bill C-267 represents another tool through which the potential for sexual victimization against children and youth can be minimized.

Conclusion

POAO clearly supports proposed Bill C-267 and views the amendments as a positive step forward in strengthening Canadian law to help prevent and eliminate the sexual exploitation and victimization of children and youth. In conjunction with other new legislation, such as Bill C-2, Canada strengthens its' commitment to protect its most vulnerable citizens as well as eliminating opportunities for sexual predators.

References

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