

REPORT

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Presentation Before Justice Committee Bill C-22 - Age of Sexual Consent

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Mr. Chairman, Members of Parliament, on behalf of the Institute of Marriage and Family Canada I would like to thank you for the opportunity to present to you our considerations in support of Bill C-22, An Act to amend the Criminal Code – Age of Sexual Consent.

The Institute of Marriage and Family Canada is a research think tank based here in Ottawa. We are committed to bringing together the latest research on issues that face Canadian families and place it in the hands of decision makers, such as yourselves. My apologies for not having this presentation available in both official languages. I only received notice on Tuesday that we would be appearing and time restraints have necessitated that it is only available in English today. The clerk has copies and will distribute translated copies when they are available.

C-22 is a bill that we are pleased to see being debated and poised for a final vote in the House of Commons in the weeks ahead. As

you know, even better than I, the premise of this bill has been under consideration for many years and advocated by family-friendly organizations for even longer.

In considering the text of this bill, it is clear to me that this bill will give law enforcement agencies and the courts the necessary tools to actively combat sexual predators—those who would harm our youth. From my read of the Bill, this is not a sex bill, rather it is a child protection bill, strengthening the protection of youth from adult sexual predators. It is clear from the legislation that non-exploitive youth to youth sexual relationships are not under the microscope, but rather it is intended to give all levels of law enforcement the teeth to fight sexual exploitation.

Canadians have clearly stated that this change is wanted and widely supported. In May 2002 we commissioned a poll with Pollara—a widely recognized international polling company. Through the survey, a total of 1,659 interviews were conducted

with Canadians 18 years of age and older in every region of Canada and roughly equal numbers of men and women.

Through the survey three questions were asked on child pornography and the age of sexual consent:

1. "Recently, the BC Supreme Court acquitted John Robin Sharpe of possessing and distributing child pornography on the grounds that his fictional stories depicting scenes of violence and sex involving adults with children have some artistic merit and could not be classified as child pornography." 86% of respondents either disagreed or strongly disagreed with this ruling.
2. "Do you think strengthening child pornography legislation should be a high priority, a moderate priority, a low priority or not a priority at all for the federal government." An astounding 91% of respondents stated that it was either a high or moderate priority – 76% said that it was a high priority.
3. "There has been some debate lately about the age of sexual consent in Canada. Currently the age of sexual consent for most sexual activities is 14 years of age. Do you think that the federal government should raise the current age of sexual consent from 14 to 16 years of age?" An overwhelming 80% of respondents felt that it should be 16 or higher.

This poll will be included with my translated presentation and distributed through the Clerk of the Committee in the coming days. As you can see from these dramatic results, Bill C-22 is clearly in line with the results of our Pollara survey. From the media work, such as radio and television talk shows that I have done over the past year, it is my belief that these results remain accurate today as well.

There have been arguments that there is no need to change the law in this matter and that it will unnecessarily penalize sexually active teens. I fail to see the logic of this argument. First of all the Bill allows for most inter-teen sexual activity, within a set age range.

Secondly, it is clear from reading this bill that it is not written to promote sex or sexual abstinence; rather it is intended to protect our youth from sexual predators.

Third and of particular importance, according to Dr. Eleanor Maticka-Tyndale of the University of Windsor in her paper, "Sexual Health and Canadian Youth: How Do We Measure Up?", taken from The Canadian Journal of Human Sexuality, Vol. 10 (1-2) Spring/Summer 2001, "Half of young people do not initiate sexual intercourse until after their 17th birthday – approximately ¾ do not initiate until their 16th birthday or later." Clearly, moving the age of sexual consent to a minimum of 16 years of age is in keeping with this peer reviewed study.

Information from The Henry J. Kaiser Family Foundation out of California mirrors Dr. Maticka-Tyndale's research. In their October 2003 report, "Virginity and the First Time," their researchers found that "Most adolescents surveyed agree that sexual activity is most appropriate among people aged 18 and older, or those who are married or in committed relationships."

June 2006 I took part in a talk radio show on The New 940 out of Montreal. The topic was raising the age of sexual consent. Prior to my segment, three teenage girls were discussing this issue with the host. I found it interesting that they were unanimous in their support of raising the age of consent to 16. All three had been sexually active for several years and all three felt that the biggest issue for them is that in retrospect, they were not emotionally mature enough to deal with all that sexual activity brought with it.

Former Justice Minister Anne McLellan was quoted in the February 5, 2001 National Post as saying, "People quite rightly believe kids are different – we all do. Young people simply lack, in many cases, the capacity to think and reason and understand the consequences and implications of their acts in the same way that adults do."

Mr. Chair, simply put, it is doubtful that the majority of teens under 16 fully understand and are fully prepared emotionally for sex. In light of this, Society has an obligation to protect our children and youth from predators and those that would take advantage of

their youth and emotional immaturity. In the vast majority of cases, youth 14 years of age are most often in a position of trust and dependency when dealing with older teens and adults.

And so as we turn to the implications of the Bill and those that it targets, I would like to bring some additional research to your attention. According to the research on the website, "Enough is Enough" "...89% of sexual solicitations were made in either chat rooms or instant messages and 1 in 5 youth - ages 10-17 years - has been sexually solicited online (JAMA, 2001)."¹ It is estimated that over 25% of youth participate in real time chat and even more use instant messaging. Internet exploitation is a very real problem today.

Furthermore, the American Medical Association reported in 2001, that "solicited youth reported high levels of distress after solicitation incidents. Risk of distress was more common among the younger youth, those who received aggressive solicitations (the solicitor attempted or made offline contact) and those who were solicited on a computer away from their home."²

A research project based in the United States examined 129 cases where predators targeted youth under 18 through the internet. The study found that an overwhelming 76% of victims were between 13 and 15 years of age.³ Furthermore, female victims accounted for 75% of the targeted youth. Sadly over half the victims described themselves as in

love or as having strong feelings for their abuser. The study found that most of the predators were upfront with their young victims about being older adults looking for sex with teens.⁴ Predators are not hiding in the shadows, but are openly manipulating young teens into consensual abuse.

I note that in the federal budget that was just passed, the Finance Minister included a government investment of \$6 million per year to “combat sexual exploitation and trafficking.”⁵ Our children are our greatest resource and this measure reflects a sad reality within our society. For many of us, Bill C-22 will go a long way to assist this plan.

According to Statistics Canada, the proliferation of sexual exploitation is highest amongst girls aged 11 – 19 (peaking at 13 years of age) and amongst boys aged 3 – 14 years.⁶ Statistics Canada states that, “Assault rates against children and youth generally increased between 1999 and 2002 but have subsequently fallen in 2003 for each age group”⁷ I do not have statistics available past 2003, although I note that

these assault rates are still double what they were 20 years ago.

Mr. Chair, in conclusion let me first thank all committee members for the opportunity to make this presentation to you. The Institute of Marriage and Family Canada supports the premise of Bill C-22, An Act to amend the Criminal Code – Age of Sexual Consent. As legislators, you can do nothing better than protecting our youth and giving the legal system the tools to fight against the sexual exploitation of them. I look forward to your questions and discussion on this important issue. Thank you.

(Endnotes)

1 <http://enough.org>

2 JAMA, June 20, 2001 – Vol 285, No. 23 3011 – Kimberly J. Mitchell, PhD, David Finkelhor, PhD, Janis Wolak, JD
3 Wolak, J., Finkelhor, D., Mitchell, K. (2004) Internet-initiated Sex Crimes against Minors: Implications for Prevention Based on Findings from a Nation Study. Journal of Adolescent Health, Vol. 35, No. 5, p.15.

4 Ibid., 15.

5 <http://www.budget.gc.ca/2007/bp/bpc3e.html>

6 <http://www.statcan.ca/english/freepub/85-002-XIE/0060385-002-XIE.pdf>

7 <http://www.statcan.ca/english/freepub/85-002-XIE/0010585-002-XIE.pdf>