

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable Rob Nicholson, P.C., Q.C., M.P. / c.p., c.r., député
Ottawa, Canada K1A 0H8

AOUT 23 2012
AUG 23 2012

His Worship Mike Frazier
Mayor and Resolution Committee Chair
North Central Local Government Association
206 - 155 George Street
Prince George BC V2L 1P8

Dear Mayor Frazier:

Thank you for your correspondence of July 26, 2012, and enclosed resolutions on behalf of the North Central Local Government Association concerning the National Sex Offender Registry and the release of dangerous offenders.

I would like to assure you that our government is committed to the protection of children against sexual exploitation and we have taken very concrete measures to realize this commitment.

As you may know, the Government introduced Bill C-10, the *Safe Streets and Communities Act*, which was passed by Parliament on March 12, 2012. The provisions of the Act related to the protection of children came into force on August 9, 2012. Among other things, this legislation adds new mandatory minimum prison sentences for seven existing *Criminal Code* offences where the victim is a child, including luring a child, sexual assault, and aggravated sexual assault. It also increases the existing mandatory minimum prison sentences for nine child-specific sexual offences, including possessing and accessing child pornography.

The Act further creates two new offences to help prevent the sexual exploitation of a child. These offences prohibit providing sexually explicit material to a child for the purpose of facilitating the commission of a sexual offence against that child; and using any means of telecommunications, including a computer system, to agree or make arrangements with another person to commit a sexual offence against a child. Both offences carry mandatory minimum prison sentences.

Canada

The imposition of mandatory minimum penalties will ensure that a conditional sentence of imprisonment, commonly known as “house arrest”, will never be available for any of these offences. Our government is sending a strong message that the sexual assault of a child will not be tolerated: if someone sexually assaults a child, that person will go to jail.

The *Safe Streets and Communities Act* also requires judges to consider imposing conditions prohibiting suspected or convicted child sexual offenders from having unsupervised use of the Internet or unsupervised access to a child. These new conditions and the two new offences will help to prevent the commission of a sexual offence against a child.

These reforms build on our earlier initiatives to better protect children against sexual exploitation, including through the *Tackling Violent Crime Act*, which came into force in 2008. That act increased the age of consent from 14 to 16 years to better protect youth against adult sexual predators and included more effective sentencing and management of sexual and violent offenders.

In addition, Bill C-22, the *Protecting Children from Online Sexual Exploitation Act*, came into force on December 8, 2011. This legislation applies to all those who provide Internet services such as electronic mail service providers and Internet content hosting services. It now requires all providers of Internet services to report to a designated agency any tips they receive regarding Web sites that may contain child pornography. The Act also requires such providers to notify police and safeguard evidence if they believe that a child pornography offence has been committed using their services. Failure to comply with the reporting duties constitutes an offence punishable by graduated fines and possible imprisonment.

I would also highlight our government’s 2011 election platform commitment to introduce legislation to end sentence discounts for multiple child sex offences and child pornography offences.

In an effort to better protect children against sexual exploitation in today’s evolving technological environment, you may be interested to know that the Government introduced Bill C-30, the *Protecting Children from Internet Predators Act*, on February 14, 2012. This bill would provide law-enforcement agencies with new investigative powers to help combat serious crimes committed over the Internet, including child pornography offences committed through the use of the Internet or other new technologies. My colleague the Honourable Vic Toews, Minister of Public Safety, has primary responsibility for this legislation.

You may also be pleased to learn that, on September 29, 2011, Conservative Member of Parliament Mr. David Wilks introduced into the House of Commons Bill C-299, *An Act to amend the Criminal Code (kidnapping of young person)*. This proposed bill would amend the *Criminal Code* to prescribe a minimum punishment of five years

when a kidnap victim is under 16 years of age. Since it is a Private Member's Bill, it will be debated in accordance with the rules of the House of Commons for Private Members' Business. As stated during the Second Reading Debate of this legislation, the Government supports the Bill and I will continue to follow it closely.

Our government is standing up for victims of crime, and child victims in particular, by working to ensure that they have a voice in the criminal justice system. In 2010, we committed \$5.25 million over five years to the Department of Justice Canada's Victims Fund for the creation and enhancement of child advocacy centres (CACs) across Canada to better serve young victims and witnesses of crime. On April 23, 2012, I was pleased to announce an additional \$7 million over five years to the Victims Fund, of which \$5 million will be directed to supporting CACs. More information on the services provided by CACs can be found at www.justice.gc.ca/eng/news-nouv/nr-cp/2012/doc_32735.html.

Please be assured that we continue to work with our provincial and territorial counterparts, who have direct responsibility for the administration of justice, towards our shared goal of strengthening the criminal justice system's protection of children against all forms of sexual exploitation. Our government remains committed to ensuring that the rights of criminals do not take precedence over the rights of law-abiding citizens.

Matters related to the National Sex Offender Registry and the release of dangerous offenders fall within the purview of Minister Toews. I have therefore taken the liberty of forwarding a copy of your correspondence to him for his information and consideration.

Thank you again for writing.

Yours truly,



The Honourable Rob Nicholson

c.c.: The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety