

Tougher laws for child sex offences announced

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TORONTO - Prime Minister Stephen Harper announced tougher laws for child sex offences on Thursday, trumpeting the proposed legislation as the most comprehensive attack against sex crimes on kids.

"We're doing this because every victim matters, because every child matters," Harper said at an event in Toronto.

"Our goal is a Canada where all of our children are safe all the time and everywhere."

The proposed legislation would ensure sentencing takes into account when someone has committed offences against multiple children.

The new measures would see those people serve consecutive sentences for each child they have victimized.

"Sadly there are truly evil people out there. The fact is we don't understand them and we don't particularly care to. We understand only that they must be dealt with," Harper said.

"To protect our children we must create a justice system that is more responsive to victims and especially more responsive to children and to the families of children who have been victimized by sexual predators."

Harper's Conservative government has brought in a number of mandatory minimum penalties for various crimes over the years and this law would increase both minimum and maximum penalties for child sexual offences.

The government is also looking to ensure the spouse of a person charged with child pornography offences could be obliged to testify in court.

In an interview with AdvocateDaily.com, Toronto criminal lawyer [Jacob Stilman](#) calls the proposed legislation, "yet another case of ill-considered criminal justice policy."

Stilman says tougher laws are not likely to deter offenders, who are frequently "high-damaged individuals" who do not rationally assess their actions.

"Child sexual offenders never believe they will be caught at their crimes, since they are often in denial about their offences to begin with," Stilman tells AdvocateDaily.com. "Criminologists have long established that it is the fear of being caught which is the primary deterrent for would-be offenders, rather than the harshness of the sentence.

"For that reason, it is ridiculous to propose that this new initiative will produce a deterrent effect. Thus this effort is yet another in a long line of criminal law reform initiatives which can only be considered as retributive and punitive in nature."

Stilman says while the public may applaud the move, Canadians should be leery of mandatory minimum penalties in the criminal justice system.

"The U.S. experience has clearly demonstrated the fallacy of going down this road, to the point where calls for a reversal of mandatory minimums sentences are coming from all areas of the political spectrum. Simply put, mandatory minimums are being recognized as imparting not only a huge human cost on society, but a fiscal one as well which can no longer be justified," says Stilman.

The proposal to force spouses to testify in child pornography prosecutions is another troubling development, he adds.

“Spousal privilege remains an important protection against state overreach into the personal lives of private citizens,” says Stilman. “The principle that spouses should not have to bear witness against their partners has long been enshrined in the law, although over time there have been statutory exemptions created, such as in the case of child sexual assault. What is troubling here is that in the case of child pornography, this will make spouses become in-house snoops against each other.”

Harper said the proposed legislation would overhaul a system that had become "very unbalanced" when it came to protecting child sex abuse victims.

He singled out the case of Gordon Stuckless as an example.

The 64-year-old - who was once an usher at Toronto's Maple Leaf Gardens - was originally convicted in 1997 for sex assaults on 24 boys while he worked at the famed hockey arena between 1969 and 1988.

Harper pointed out that Stuckless was originally sentenced to two years less a day, a sentence which led to the suicide of the victim who brought the sex abuse scandal to light.

Stuckless' sentence was later increased to five years and he was out on parole in 2001 after serving two-thirds of it.

He now faces nearly 100 fresh charges, all laid in the past year, which relate to alleged offences that took place decades ago.

"There have been gaps in our justice system," said Harper. "These gaps show that the system did not properly value our most precious and valuable treasures - our children."

-With files from AdvocateDaily.com

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