



RESPONSE TO PETITION RÉPONSE À LA PÉTITION

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

PETITION NO./N° DE LA PÉTITION 391-0421	BY / DE Mr. Komarnicki	DATE October 6, 2006
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RESPONSE BY THE MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA
RÉPONSE DU MINISTRE DE LA JUSTICE ET
PROCUREUR GÉNÉRAL DU CANADA

SIGNATURE
MINISTER OR PARLIAMENTARY SECRETARY
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

SUBJECT / OBJET

Criminal Code of Canada

RESPONSE / RÉPONSE

ORIGINAL TEXT / TEXTE ORIGINAL TRANSLATION / TRADUCTION

This Petition proposes the following reforms in regard to Dangerous and High Risk child sex offenders:

- Toughen penalties for child sexual offences;
- Require electronic or other forms of monitoring for child sexual offenders;
- Require public notification for child sexual offenders;
- Require that repeat child sexual offenders are designated as Dangerous Offenders.

The Government of Canada is fully committed to protecting children from sexual offenders. In the last Parliament, Bill C-2 introduced mandatory minimum penalties for many sexual offences committed against children. These offences are therefore not eligible for a conditional sentence of imprisonment.

Also, a number of criminal law reform initiatives have recently been introduced in this regard, including:

- Bill C-9, to restrict the availability of conditional sentences;
- Bill C-22, to increase the age of protection;
- Bill C-27, regarding Dangerous and High Risk Offenders; and,
- Bill S-3, regarding improvements to the National Sex Offender Registry.

As introduced, Bill C-9 toughens penalties for a number of sex offences, including offences against children, by making it clear that the conditional sentence is no longer available. Bill C-22 will better protect youth against adult sexual predators by raising the age of consent from 14 to 16 years.

Bill C-27 directly responds to issues addressed in the Petition. First, it addresses potential inconsistencies in the use of the Dangerous Offender provisions by requiring Crown prosecutors to openly address whether an application should be brought wherever there are three serious violent or sexual offence convictions, which certainly includes many sexual offences against children.

Secondly, the Bill proposes to reverse the current onus on the Crown where an offender has been convicted for the third time of a number of serious sexual and violent offences. Third, the Bill also clarifies that there is no onus on the Crown in regard to the "fitness" of a Dangerous Offender designation. The proposed changes to the Dangerous Offender provisions of the *Criminal Code* will make it easier for Crown prosecutors to achieve Dangerous Offender designations against repeat child sex offenders. About 80% of all Dangerous Offender applications are against sexual offenders, and about half of these target child sexual offenders.

Fourth, Bill C-27 also clarifies that section 810.1 Peace Bonds include the ability to require defendants to submit to Electronic Monitoring. This Peace Bond is a powerful tool for police and Crown prosecutors which enables the imposition of severe restrictions on any individual likely to commit a sexual offence against a child, even though they have not been charged with or convicted of any specific offence.

Finally, while the authority to provide a Public Notification that a high-risk offender has been released into a community is ordinarily within the authority of the Provincial or Territorial Justice and/or Public Safety Ministers, steps have recently been announced that will assist Provinces and Territories in this regard. Specifically, the Government has announced that it will be increasing the level of federal support for the National Flagging System ("NFS").

The NFS consists of a network of senior Provincial and Territorial justice police and Crown attorneys who identify individuals deemed at high risk to re-offend sexually and / or violently. Once an individual is identified in this category, a "flag" is placed on their criminal record. Once this flag is in place, the offender is subject to intense scrutiny upon release, including applications under sections 810.1 and 810.2 Peace Bonds, Public Notifications and more consistent sentencing practices if the individual re-offends.

Finally, the Government has introduced Bill S-3 in the Senate, which implements a number of specific enhancements to the National Sex offender Registry to improve the ability of police to identify suspects where a sexual offence has been committed.

The Government has therefore already responded to many of the issues raised by the Petition through a number of initiatives over the past 9 months to protect children from sex offenders.