

## **Table of Contents**

INTRODUCTION .....	3
What this paper does not include.....	6
The Evolution of Criminal Law Provisions to Protect Children .....	6
Prior to the Badgley Committee Report.....	6
The Badgley Committee Report.....	7
Response of the Government to the Badgley Committee Report .....	8
Legislative Initiatives .....	
Bill C-15 (1988).....	9
Bill C-126 (1993).....	9
Bill C-41(1996).....	11
Bill C-27 (1997).....	11
Trends in the Courts .....	11
I. DEFINING FURTHER CHILD-SPECIFIC CRIMINAL OFFENCES .....	13
A. Background .....	13
B. Possible Reforms to Address Risks and Define Offences .....	15
1. Criminal Physical Abuse of a Child.....	15
2. Criminal Neglect of a Child .....	16
3. Criminal Emotional Abuse of a Child.....	17
4. Child Homicide .....	18
5. Failing to Report Crimes Involving Child Abuse or Neglect.....	19
II. SENTENCING TO PROTECT CHILDREN .....	20
A. Background .....	21
1. Sentencing Purpose and Principles.....	21
2. The Conditional Sentence .....	22
3. Prohibition Orders .....	23
4. Power of Sentencing Courts to Order a Delay of Parole.....	23
5. Power of Correctional Authorities to Delay Release .....	23
6. Long-Term Offenders.....	24
7. Peace Bonds .....	25
B. Possible Reforms of Sentencing Policies and Sentencing Options .....	26
1. Addressing the Needs and Interests of Children in Sentencing Policy .....	26
2. Reference to Children in Fundamental Purpose and Principles of Sentencing .....	28
3. Other Sentencing Principles - Section 718.2.....	29
4. Expanding the Courts' Powers to Structure Conditions in Sentencing.....	31
5. Conditional Sentences Only in Exceptional Circumstances .....	33
6. Better Recognition of Emotional and Psychological Harm Caused to Children.....	33
7. Sexual Exploitation: Section 153 of the <i>Criminal Code</i> .....	34

III. IMPROVING THE EXPERIENCE OF CHILD WITNESSES AND FACILITATING THEIR TESTIMONY IN CRIMINAL PROCEEDINGS .....	34
A. Competency of Child Witnesses .....	36
1. Background .....	36
2. Further Reform of Competency Requirements .....	39
B. Methods of Presenting Evidence of Child Witnesses .....	43
1. Testimony Outside the Courtroom or Behind Screens.....	43
a. Background .....	43
b. Options for change .....	46
2. The Use of Videotaped Evidence .....	48
a. Videotaped Statements and Interviews .....	48
i. Background .....	48
ii. Options for Change .....	51
b. Video Depositions .....	52
3. Hearsay Statements .....	53
a. Background .....	53
b. Options for change .....	56
4. Other Assistance for Child Witnesses .....	58
5. Different Ages for Different Purposes: Age of Consent .....	58
6. Invalid Consent: Its Effect on Sentencing .....	60