

Presentation to the Standing Committee
on Justice and Human Rights
On Bill C 23 - Sex Offender Registry

"YOU'RE GUILTY, GO HOME"

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1. Good Morning Bonjour. My name is Rosalind Prober. I am President of Beyond Borders Inc. (Au Delà Des Frontières Inc.), a children's rights organization dealing with global child sexual exploitation. Mark Hecht, senior legal counsel to Beyond Borders, is with me today. Beyond Border's goal is an amendment to Bill C 23 giving the public a narrowly proscribed right of access to the sex offender registry so caregivers do not unknowingly put their children at risk.

2. Children are by nature loving, trustworthy, and fun-loving. Young children very much want to please and impress adults. In a perfect world, no one would choose to take advantage of those qualities. Kids would play freely in the parks, walk safely to school and enjoy that very special period of childhood innocence they are entitled to enjoy.

3. Tragically, one group of people have selfishly spoiled and usurped that fundamental right. Child sexual exploiters have totally impacted on how our children must live. Kids must be "street-proofed" as young as possible, lectured over and over on "good touch and bad touch", watched, protected and fenced in. Because sexual predators are so very clever, a balancing act à la the Cirque du Soleil is now required to teach children to protect themselves at the same time as to respect and obey adults.

4. Child sexual abuser's choices have left parents with no choice. The harm done to a child when he/she is molested, the lasting and often deadening pain from which there is often no pardon makes protecting children from predators a constant duty. Children have a right to grow up healthy both emotionally and sexually in our free and democratic society. Beyond Borders asks that the new registry not just be used once a crime has been committed but be accessible to the public to help them keep children out of harm's way. If your sympathy lies with an exploiter's right to privacy and not a child's rights to protection, it is sadly misplaced.

5. Child sexual abuse is a crime that feeds off inequality. Spokespersons come before you saying you must protect the Charter rights of exploiters who have shown no regard for the rights of children. Surely the Charter was never meant to be used as a weapon against the defenseless.

6. Although sexually abused like a great number of Canadian children, when I married a criminal defence counsel and lived a life of privilege and good family times, I became adrift and complacent and forgot how prevalent sexual abuse is and the level of vigilance good parenting requires. The overwhelming statistics on child sexual abuse show that children are abused by people they know. Abusers go to exceptional lengths to get themselves in loco parentis with children and tragically my family was no exception. Allowing a convicted abuser to re-enter society with no possibility of anyone finding out his history is frankly just leaving an offender with too much power to again wreak havoc on children and their parents' lives.

7. Canada is hyper lenient with abusers that are convicted. Faster than you can say John Robin Sharpe, they are recycled and living back in the community. For some reason, our Justice System sentences child sexual exploiters, not as individuals with distorted perceptions of reality, often with out of control fantasies fueled by obsession and denial, but as ordinary people who just made a dumb mistake. Sex offenders are often told when sentenced "You're guilty of one of worst crimes imaginable against defenseless children, go home." There is absolutely no predictability about the future control pedophiles will have over their impulses. Consequently, there is a lot of finger crossing involved when dangerous pedophiles are released.

8. Judges blame Parliament for allowing conditional sentences which have led to this revolving door phenomenon. Whatever the reason, Canadians are now aware that they are living side by side with, from a child's perspective, the ultra dangerous. Take, for example, Bryan Larsen. Convicted of stealing pictures of sexually abused kids from the hospital where he was a security guard, Larsen then used his anonymity, developed a relationship of trust and mercilessly abused the children of friends. Larsen collected children's underwear and amassed the largest child pornography collection to date which finally led him to the attention of law enforcement. The kids never told. They rarely do until reaching adulthood. Larsen kept his computer on his fridge so he could watch child abuse images and not leave for refreshments. Larsen even admitted that he was having fantasies of abducting children and I do not have to tell you what happens to children who are abducted by pedophiles. It is pretty obvious Larsen should be kept away from kids but in 2 short years, he will be back in the community. Outrage is the only word to describe what parents feel when full blown pedophiles are sentenced like this but there is little they can do. But this Justice Committee can and must remove a convicted child abuser's best friend and enabling ally, anonymity.

9. In a vast country like Canada, convicted abusers can and do reinvent themselves to start another grooming process, doing good to eventually do evil. Those who are convicted of violating the most vulnerable in society should have no expectation that the state will not drastically curtail their rights so the opportunity for recidivism is in every possible way diminished. The minimal harm that may be created to a sex offender's right to privacy with an open registry is far outweighed by the need to protect our children.

10. If Parliament and the courts are forcing parents to raise children surrounded by sex offenders like Larsen and worse and they are, then Parliament must give those responsible for children the tools to protect them. Anything less is irresponsible. The California model of Megan's law is respectful of a convicted sex offender's right to not have his picture and address on the internet while recognizing that on a "need to know" basis those responsible for kids have a right to know who around their children are sex offenders. Access to the registry is by signed application and controlled by law enforcement.

11. As some of you are aware, I appeared before this committee on Bill C 27 sex tourism. Like this bill on the sex offender registry which by design fails children, the 1996 sex tourism legislation was equally flawed. At that time this committee took the necessary action and recommended that the law be broadened. Unfortunately the Department of Justice responded but built in loopholes which brought international embarrassment to Canada as Bill C 27 failed its first test. 12. So with the history of that legislation in mind, I feel it is fair to give examples of what Canadian children can expect if you do not force this issue, amend Bill C23 and allow the public some form of access to the registry.

Canadian children can expect to be put in situations where their new caregivers/step parents may be sexual abusers and their other parent does not know.

They can expect their babysitters or new friend of their parents could be a convicted sexual abuser and no one is aware.

They can expect homes, rooms and apartments may be rented to sexual abusers where they are living and their parents can not warn them as they do not know.

In short, Canadian children can expect to be in a million different situations where they may be in close contact with a sex offender and not even realize that they should be careful, not trust them or put themselves at risk.

13. As little as 10 or 15 years ago, society had little knowledge of how manipulative sexual offenders are. Sadly, experts now tell us that 3 to 4 % of the population, usually male, get sexual gratification from children often boys. Organizations that deal with children have been targeted by pedophiles and have gone to great lengths to protect kids by requiring criminal record and pardon checks. However, in every day situations children will remain unarmed and sitting ducks. Opening the registry will save many children from the trauma and degradation of sexual abuse. Simply put, the rights of children must trump the rights of convicted sexual offenders. It is only common sense. Please do not let convicted sex offenders live amongst us anonymously.