

## **MEDIA RELEASE**

October 13, 2009

### **BEYOND BORDERS INTERVENES AT THE SUPREME COURT IN INTERNET LURING CASE**

Ottawa – On Thursday, October 15, Beyond Borders will appear before the Supreme Court of Canada in R v Legare, a case involving the Internet. Building on its track record of involvement in many high profile child protection cases, Beyond Borders filed a motion, and was granted leave by the Supreme Court of Canada, to intervene in this case.

In April of 2003, Craig Legare engaged in two private, electronic “chat” conversations with a 12-year-old girl. Legare was 32 years of age at the time, although he represented to the girl that he was 17. The conversations were explicitly sexual in nature.

Legare’s counsel will argue that he never intended to sexually exploit the child and therefore did not commit a crime. The Crown will argue that the very nature of his actions suggests he would have exploited the child if his online conversations were not discovered and that should be enough to convict him of the crime of luring.

Beyond Borders will use international child law to support its position that the law should be interpreted in the manner which is most beneficial to the protection of the child. The organization’s senior legal counsel, Professor Mark Erik Hecht, explains, “When determining the language of a Criminal Code provision that is intended to protect Canadian children, the Court must heed to obligations beyond our Charter.” This includes Canada’s obligations under the Convention on the Rights of the Child, which it ratified over a decade ago.

Ultimately, Beyond Borders is supporting the Crown’s position that when having sexual communications over the Internet with a child, the only proof that should be required is that the offender’s purpose was to facilitate an offence. The Crown should not have to prove that the offender also had the foresight or even ability to commit the offence.

Beyond Borders’ legal counsel Jonathan Rosenthal, who will attend with Professor Hecht, states, “The Internet is full of men trolling online for children for sexual gratification and then using far fetched legal technicalities to allow them to avoid conviction when exposed. Allowing these predators immunity from prosecution when catching them in the grooming phase will ensure many more children will be victimized online.”

#### **About Beyond Borders**

Beyond Borders is a national non-profit organization that advances the rights of children to be free from sexual exploitation. It is an affiliate of ECPAT International (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) operating in 75 countries around the world. Visit [www.beyondborders.org](http://www.beyondborders.org) for more information.

#### **For more information on this case contact:**

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