

CHILD SEX OFFENDERS

Child sex offenders are likely to be relatives or acquaintances of their victims. More offenders are male than female. Offenders can be situational or preferential. Situational offenders do not normally prefer sex with children but act under certain circumstances. This is often the case with child sex tourism offenses. Alternatively, preferential offenders have a true sexual interest in children.

Pedophilia refers to persistent feelings of attraction in an adult or older adolescent toward prepubescent children, whether the attraction is acted upon or not. Pedophiles are exclusively sexually attracted to prepubescent children. The psychiatric profession considers pedophilia to be a psychological disorder.

National Sex Offender Registry

In partnership with the provinces and territories, the federal government created a National Sex Offender Registry in 2004. The public does not have access to the registry. It is a database that provides Canadian police services with important information to investigate crimes of a sexual nature.

The initial version of the National Sex Offender Registry had numerous inefficiencies and loopholes. In April 2011, Bill S-2, *Protecting Victims from Sex Offenders Act*, came into force and the following reforms were enacted:

- Automatic inclusion of convicted sex offenders in the Registry
- Mandatory DNA sampling for convicted sex offenders
- Proactive use of the Registry by police
- Registration of sex offenders convicted abroad
- Notifications to police jurisdictions when high-risk registered offenders travel
- Operational and administrative amendments to enhance Registry operations
- Amendments to the *National Defence Act*

However, several weaknesses remain. These include most offenders being first time criminals (i.e.: people offending are not listed on the registry) and the difficulty of getting information from the registry due to privacy concerns. Additionally, the registry was not initially mandatory or retroactive, meaning that sex offenders convicted before the registry came into place are not necessarily included. Money could also be spent on treatment and prevention programs that would limit the likelihood of new offenses.

Ontario Sex Offender Registry

Ontario launched Canada's first sex offender registry in 2001. Convicted sex offenders in Ontario are automatically added to the system. Also, if an offender fails to check in on time the system automatically issues a red flag. This is different from the national registry, which cannot track compliance. The Ontario software was initially offered to the

federal government to make a national system; however, despite support of the other provinces, the federal government declined this offer.

Registration of Sex Offenders Convicted Abroad

The new legislation ensures that Canadians convicted abroad of sex offences can now be included in the Sex Offender Registry when they return to Canada under the *International Transfer of Offenders Act*.

Individuals entering Canada who were convicted abroad of a sexual offence or those who served their sentence abroad, are now required to report to police within seven days of arriving in Canada.

Under the previous legislation, individuals returning to Canada after being convicted abroad of a sexual offense were not registered.

Travel Notifications of Offenders to Other Police Jurisdictions

The new legislation allows police to use information in the Registry to issue travel notifications to other police jurisdictions when sex offenders are travelling to their area to assist them in the prevention or investigation of a crime of a sexual nature. Under the previous legislation, police could not use the information in the Registry for this purpose

Foreign Travel Orders

Registered child sex offenders are not required to report their absence from Canada. A foreign travel order requirement would increase the effectiveness of the national sex offender registry. If Canada were to take this measure it would more closely follow the current protocol in the United Kingdom.

Sources

- Patrice Pascual, "More Characteristics of Sexual Offenders: Pedophiles, Non-Pedophiles, Juveniles" *Journalism Centre on Children and Families* (28 May 2009), online: <www.journalismcenter.org/resource/child-welfare/more-characteristics-sexual-offenders-pedophiles-non-pedophiles-juveniles>.
- Public Safety Canada, *National Sex Offender Registry* (8 May 2012), online: <www.publicsafety.gc.ca/prg/cor/tls/soir-eng.aspx>.
- Royal Canadian Mounted Police, *National Sex Offender Registry*, online: <www.rcmp-grc.gc.ca/tops-opst/bs-sc/nsor-rnds/prog-eng.htm>.
- Michael Friscolanti, "The Sex Offender Registry and your Province," *MacLean's*, (14 January 2008), online: <www2.macleans.ca/2008/01/14/the-sex-offender-registry%E2%80%94and-your-province/5/>.