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"We have too much criminal law. Naive belief that every problem can be solved by "having a law against it" has proliferated statutes, regulations and offences. We have too many acts qualifying as crimes, too many criminal charges, too many criminal cases in our courts, too many people in our prisons.

Too much law, too many offenders and too many cases - they threaten the whole Criminal Justice System with collapse."

Thus concludes the Law Reform Commission of Canada in its report on Canadian Criminal Law (1976).

The report maintains that the business of Canada's criminal law is not the enforcement of morality.

Before an act is a crime it must, first, cause harm to other people. Second it must cause harm that is serious both in nature and degree. Finally it must cause harm that is best dealt with through the mechanism of the criminal code.

We believe that soliciting does not cause serious harm to others. It is a victimless crime - one that costs society an enormous amount to try and prosecute - and one against which criminal sanctions have historically proved ineffective.

Present law protects the public from harassment (ie. soliciting that is pressing or persistent).

Soliciting if it is carried on in a private car or in a discrete manner (ie. not pressing or persistent) and what goes on between two consenting adults in the privacy of a hotel room or apartment should not be within the purview of the criminal code

For these reasons we strongly urge the Standing Committee on Justice and Legal Affairs to refrain from adding any more clauses to Section 195 of the Criminal Code.