

SIMPLIFY THE REQUIREMENTS FOR SECURING CONVICTIONS IN CASES INVOLVING HATE PROPAGANDA

Negative: The problem of hate propaganda has existed for almost as long as the printing press. It is noted for its misrepresentation of racial and religious groups through the depiction of negative stereotypes. The groups that create and distribute hate literature are often small in membership but compensate for this by the violence of the caricatures and ideas they promote. The purveyors of hate propaganda are not interested in promoting ideas and encouraging debate but rather prey on the intolerant tendencies they sense in those exposed to their material.

Change: Recent waves of immigration have brought more visible minorities to Canada. At the same time the Canadian economy has experienced difficult times. The combination of the two seems to have produced an atmosphere that may be ripe for racially motivated incidents.

Inundated: In the early and mid-1960s, Canada was inundated with hate literature, much of it anti-semitic and anti-black. Some of the literature at that time was produced in Canada, but most of it was imported from the United States and given wide distribution in this country. Because of the virulence of this material and the widespread distribution it was given, the Minister of Justice in 1965 set up the Cohen Committee which reported to him on this problem before the end of that year. The Committee recommended that the Criminal Code be amended to deal with the advocacy of genocide and the defamation of identifiable racial groups. It also recommended that a number of defences be included in the Criminal Code and that the consent of the provincial Attorneys General be necessary for a prosecution in this area. As a consequence of the Cohen Committee's Report, Ss. 281.1-281.3 were added to the Criminal Code.

Imported: There has been a recent upsurge in hate propaganda. It has been found in virtually every part of Canada. Not only is it anti-semitic and anti-black, as in the 1960s, but it is also now anti-Roman Catholic, anti-East Indian, anti-aboriginal people and anti-French. Some of this material is imported from the United States but much of it is produced in Canada. Most worrisome of all is that in recent years Canada has become a major source of supply of hate propaganda that finds its way to Europe, and especially to West Germany.

Action: Despite the growth in the production and distribution of hate literature in Canada, there has been very little effective legal action. There have been fewer than half a dozen prosecutions by the provincial Attorneys General under the hate propaganda provisions of the Criminal Code.

Rights: The purpose of expression or association is to encourage the exchange of ideas and the critical examination of social, political, economic and cultural issues. These freedoms enhance debate and help resolve controversy. Hate literature narrows the debate, and promotes, in its extreme, the possible elimination of the debaters. It advocates the limitation or elimination of the human rights of groups and individuals.

RECOMMENDATION

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