

Hate Propaganda

analyse, before probing the substance of his amendment, just what it would do. It purports, on the face of it, to eliminate a few lines of the bill. But what it does is truncate and absolutely vitiate the bill, and if adopted by the House would kill the bill. I do not think we can prevaricate about that; that is exactly what it will do.

• (9:00 p.m.)

There are three offences contemplated in Bill C-3. The first is found under new section 267A, which embraces the offence of advocating or promoting genocide. The second is found in new section 267B(1), which is the proposed offence of public incitement of hatred where such incitement is likely to lead to a breach of the peace. The third offence is found in new section 267B(2) providing for the wilful promotion of hatred or contempt.

The amendment proposed by the hon. member for Calgary North, presumably on behalf of the party for which he is the official spokesman, would eliminate two of these three offences.

Mr. Woolliams: Right.

Mr. Turner (Ottawa-Carleton): It would leave in the bill only the proposed offence of advocating or promoting genocide. It would completely strike from the bill the proposed offence of public incitement of hatred, and the proposed offence of the wilful promotion of hatred.

That being said, Mr. Speaker, let me now say that we are at the report stage of the bill in the House of Commons, debating the report of the Standing Committee on Justice and Legal Affairs. I said previously, when speaking to the amendment proposed by the hon. member for New Westminster (Mr. Hogarth), the government accepts the amendments proposed in committee. Some of those amendments were proposed by members of parties that I do not represent. Some of those amendments were carried with the support of members with whom I am associated.

None the less, I believe very firmly in the committee system, allowing Members of Parliament to exercise their individual judgment, and I believe very firmly that in this particular instance the bill, without being sacrificed in substance, has been distinctly improved in detail, particularly in so far as there has been provision for new defences, a new balance protecting the right of free speech. I wish to outline briefly for the House what those amendments in committee were which we

[Mr. Turner (Ottawa-Carleton).]

accept. The amendments appear clearly on the copies of the bill reprinted as amended and reported by the Standing Committee on Justice and Legal Affairs.

The first amendment is found, of course, in the genocide section where the word "means" was substituted for the word "includes", in order to restrict the definition of genocide to the two particular acts that are set forth in the bill, namely, killing members of an identifiable group and "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction." I think that restriction, that precision adds clarity to the bill and in so adding precision protects the position of a potential accused.

The next amendment relates to section 267B where the words "or contempt" found in the combination of words "hatred or contempt" were dropped from the formulation of the proposed new offence of publicly inciting hatred, and they were also dropped from the formulation of the proposed new offence of the wilful promotion of hatred in section 267B(2). The omission of the reference to contempt focuses the real emphasis of the bill on the dissemination of hatred, and the members of the Standing Committee on Justice and Legal Affairs were unanimously in favour of the removal of the reference to contempt.

I think those hon. members who have had training in the law are aware that the common law definition of libel has always been that type of statement which would tend to bring another person into hatred, ridicule or contempt. I know that the special committee under the chairmanship of Dean Cohen, when it presented its recommendations to the then Minister of Justice, the late Hon. Guy Favreau, recommended that the wilful promotion of hatred or contempt ought to constitute the offence, but the Standing Committee on Justice and Legal Affairs has now eliminated the words "or contempt" to make it quite clear that we are dealing with hate propaganda and hate literature, just as the Cohen committee recommended the elimination of the word "ridicule" with respect to the offence of the promotion of hatred.

The third amendment is found in new section 267B(2) dealing with the communication of statements "other than in private conversation." Those words are underlined in the copies of the bill now in the hands of hon. members. The communication of statements in private conversation has been excluded from the ambit of this particular offence. This amendment was moved by the hon. member