

**Unacceptable:** The Committee believes that the uttering of racial slurs is an unacceptable practice, but one dealt with more effectively by education. The imposition of a criminal sanction in such circumstances will probably have the effect of reinforcing the prejudices of the utterer of the slur rather than leading him to see it for what it is. In any event, the disturbing of the peace provisions already in the Criminal Code are probably sufficient if it is desired to bring the weight of the criminal law into play in an instance of a racial slur.

**Offence:** Several witnesses have urged the Committee to recommend that it be a criminal offence to belong to, to organize or to support groups whose purpose is to incite hatred. Countries such as France, Greece, Italy and West Germany have legislation dealing with racist groups. The Committee does not believe that racist groups should be outlawed. Canada does not have a happy experience with this type of legislation - in the 1920s and 1930s, the criminal prohibition of certain types of political activity was used to harass and intimidate minuscule dissident political organizations. The Committee does believe, however, that the criminal activities of racist groups and their members should be prosecuted with the utmost vigor in appropriate circumstances.

**Crimes:** In recent years, there has been an upsurge in racially motivated crimes - assaults, damage to property, arson, etc. Places of worship and cemeteries have been defaced. Police have had a great deal of difficulty in finding those responsible. Stepped-up efforts at detection of those responsible is necessary.

**Concern:** "It is a fundamental principle of our society that every member must respect the dignity, privacy and person of the other. Crimes of violence increase when respect for the rights of others decreases, and, in that manner, assaults such as occurred in this case attack the very fabric of our society. Parliament's concern for the incitement of racial hatred is reflected in S.281 of the Criminal Code. An assault which is racially motivated renders the offence more heinous. Such assaults invite imitation and repetition by others and incite retaliation. The danger is even greater in a multicultural, pluralistic, urban society. The sentence imposed must be one which expresses the public abhorrence of such conduct and their refusal to countenance it." (Mr. Justice Dubin of the Ontario Court of Appeal)

**Measures:** There should be heavier penalties. The Vancouver Symposium on Race Relations and the Law urged that the Criminal Code be amended to provide increased penalties for racially motivated crimes. The Ontario Attorney General has issued guidelines to Crown Attorneys to assist them in prosecuting criminal offences with a racial component. All Attorneys General should issue similar guidelines to their Crown Attorneys so that racially motivated crimes are effectively dealt with. These guidelines should include community service, compensation and restitution to the visible minority individual or community.

**More:** The problem cannot be dealt with by guidelines alone. Racially motivated crimes must be punished and must be seen by the public as being severely dealt with. Once the accused is convicted and the judge rules that the act was indeed racially motivated, he should have the authority to impose an additional consecutive penalty after that imposed for the original offence.

**RECOMMENDATION:**

**Justice Canada should prepare amendments to the Criminal Code to allow judges to impose an additional consecutive sentence when the principal criminal act is racially motivated.**