

The matter has been discussed no less than three times in the Commons. I noted that on one occasion Mr. Larry Pennell, M.P., now the Solicitor General, referred to a measure such as this, as "expressing the conscience of Canada."

Following the introduction of that bill and the discussion on it in the Commons in 1964, after February 20, the present Government authorized the consideration of the subject by the Commons Committee on External Affairs. The committee sat through the sessions of 1964 and 1965. Special studies were made by Professor Mark R. MacGuigan of Toronto, and a member of the committee, and also by professor Harry Kaufman, Associate Professor of Psychology of the University of Toronto. Then Mr. Klein reintroduced his bill in 1965. This in turn was supplemented by an extensive analysis of hate propaganda as distributed through the mails. That was done by a committee chaired by Mr. Justice Dalton Wells, of the appeal division of the Supreme Court of Ontario, to whom I have already referred.

These activities, while they were most useful and very important in my judgment, were nevertheless somewhat desultory and incomplete, and the Government was desirous of practical and positive action. Accordingly, in January 1965, the then Minister of Justice, Mr. Favreau, appointed a committee under the chairmanship of Dean Maxwell Cohen, of the Faculty of Law of McGill University, Montreal, to study and report on the subject. That report is now promptly to hand. It is a masterly report, and this government bill which I am now sponsoring is designed to carry out almost to the letter the recommendations of the learned chairman and his exceedingly able and capable committee.

The committee made an intensive study of the subject, and it found that hate propaganda, which it said had not reached crisis proportions, is nevertheless so serious in Canada as to require legislative action. The committee therefore recommended prohibitions in the Code in three great divisions which you will find set out, in almost the same terms as the committee's recommendations, in the bill now under consideration.

The first of the prohibitions is against genocide, to be found in section 267A, subsection 1 of the bill, which reads as follows:

Every one who advocates or promotes genocide is guilty of an indictable offence and is liable to imprisonment for five years.

As a matter of fact, the penalty is not quite as drastic as it would appear to be in the bill, because the Code under these precise circumstances permits a fine to be levied at the discretion of the court in addition to or in the alternative for the penalty prescribed in the act. However, no more than the same penalty of five years may be levied for non-payment of the fine.

The dictionary definition of genocide, to take Funk and Wagnall first, is:

The systematic extermination of racial, national, cultural or religious groups.

Webster's Third International Dictionary gives this definition:

The use of deliberate, systematic measures calculated to bring about the extermination of a racial, religious or cultural group.

The bill retains the ordinary meaning of genocide which is indicated at least by these two definitions, and it widens the meaning ordinarily given to the word to include a number of specific offences. The section includes the following:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction;
- (d) deliberately imposing measures intended to prevent births within the group; or
- (e) forcibly transferring children of the group to another group.

May I emphasize that these specific provisions are in addition to the ordinary natural meaning of the word "genocide".

This series of special descriptions of offences is copied from the United Nations Convention, Article II, adopted in 1948, which was signed by Canada in 1949. It was ratified by the Parliament of Canada, including this chamber in which we are speaking today, in 1952. It was ratified unanimously at that time. It has now been ratified by no less than 66 states of the world, as of 1965.

Most European nations, including Great Britain, have adopted legislation of a somewhat similar character, the detail of which would be rather too great for me to attempt to describe at this moment.

Honourable senators, the odious devilry of such acts needs no elaboration from me, except