

## BROADEN THE JURISDICTION OF THE CANADIAN HUMAN RIGHTS COMMISSION

**Regulated:** Section 13 of the Canadian Human Rights Act allows the Human Rights Commission to order the discontinuance of the use of a federally regulated telephone service when it is used by an individual for the spreading of racist propaganda.

**Jurisdiction:** Because of a quirk in Canada's constitution insofar as the regulation of telephone services is concerned, Parliament only has jurisdiction in this area in the Yukon, the North West Territories, Ontario, Quebec and British Columbia. Local telephone service in other provinces is under provincial jurisdiction. Hence the Committee urges these provinces and territories to amend their human rights legislation to include complaints about telephone hate messages.

**Difficult:** Hate propaganda can be imported or exported, sent by mail, or communicated electronically. In each of these cases, an individual with a complaint must go to a different agency, such as Revenue Canada, Canada Post, Canadian Radio and Television Commission, and is likely to receive a different interpretation from each one.

**One:** Canadians will be better served if there is one institution that has responsibility for investigating the dissemination of hate propaganda. The most appropriate place for such authority is in the Canadian Human Rights Commission which is already sensitive to and experienced with the issues of racism and racial discrimination.

### RECOMMENDATION:

Justice Canada should prepare amendments to the Canadian Human Rights Act to give the Canadian Human Rights Commission jurisdiction to hear complaints dealing with the import and export of hate propaganda and its dissemination through the mails and on radio, television and cable services.

## ALLOW THE IMPOSITION OF STRICTER PENALTIES FOR RACIALLY MOTIVATED CRIMES

**Extensive:** The enactment of criminal law is an exclusively federal matter although the provinces have the responsibility for the administration of justice and prosecute most criminal offences. Many witnesses have told the Committee that the criminal law should be used more extensively to deal with racially inspired acts causing damage and injury.

**Racial Slurs:** Several witnesses have urged the Committee to recommend that the uttering of racial slurs be made a criminal offence. The April 1982 Vancouver Symposium on Race Relations and the Law urged that the Criminal Code be amended to expressly prevent racist name-calling. Countries such as France, Greece, the Netherlands and Norway have legislation in this area.

### RECOMMENDATION

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