



News Release

GOVERNMENT MUST NOT GIVE IN TO GENEX DEMANDS

“If the government forces the CRTC to review its decision, this would mean the end of the CRTC as we know it.”¹

Toronto, Ontario, February 12, 2006 – Patrice Demers, president of Genex Communications Inc., wants The Hon. Bev Oda, Minister of Canadian Heritage and Status of Women, to review the CRTC decision not to renew the licence of Montreal radio station CHOI-FM. Newly-elected MP André Arthur maintains that this would “weaken the regulator’s ability to patrol the airwaves”. Arthur, who campaigned on a platform to save the station, said, “If the government forces the CRTC to review its decision, this would mean the end of the CRTC as we know it.”² CHOI-FM lost their licence for the repeated broadcast of abusive comments by radio hosts Jean-Francois Fillion and co-host André Arthur, the above-noted MP.

In a news release announcing the decision, the CRTC said:

...the Commission found that on numerous occasions, Genex had failed to comply with the *Radio Regulations 1986* (the Regulations) as well as CHOI-FM's Code of Ethics, adherence to which is required by one of its conditions of licence. The Commission noted that Genex's programming did not meet the objectives of the broadcasting policy for Canada set out in the *Broadcasting Act* (the Act).

The Commission considered that offensive comments made by the hosts over the station's airwaves tended or were likely to expose individuals or groups of individuals to hatred or contempt on the basis of mental disability, race, ethnic origin, religion, colour or sex. The Commission also considered, among other things, that the station's hosts were relentless in their use of the public airwaves to insult and ridicule people.³

The CRTC decision has since been upheld by the Federal Court of Appeal.

Should Mr. Arthur’s prediction come true and the CRTC power to regulate against abusive comment be undermined, women and minorities will bear the brunt of this. Broadcasting is exempt from the *Canadian Human Rights Act* and women, contrary to Section 15 of the *Charter*, are excluded from the protection of the *Criminal Code* hate propaganda law. Given that situation, it is essential that the CRTC retain its authority to enforce the *Broadcasting Act* and *Regulations* prohibiting broadcast of abusive comment. The *Radio Regulation* states:

3. A licensee shall not broadcast

(b) any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

This prohibition also appears in the *Pay Television Regulations*, *Specialty Services Regulations* and *Television Broadcasting Regulations* (see Backgrounder attached).

Could this mean unedited Al-Jazeera? In July 2004, the CRTC approved Qatar-based Al-Jazeera for broadcast in Canada. The application to carry the service had been opposed by various Jewish groups, which said the network disseminates “anti-Semitic hate speech”.⁴ Although the CRTC approved carriage, they stipulated that cable distributors must guard against the broadcast of abusive comment because, as CRTC Chairman Charles Dalfen said, Al-Jazeera had made remarks holding Jews up to hatred and contempt. If the government interferes with the CRTC’s ability to enforce the prohibition on abusive comments, it would send a signal to cable carriers that they could put Al-Jazeera on the air unedited.

Any changes to CRTC powers must be done through legislation: The owners of Genex Communications were given every opportunity by the CRTC to retain their licence. They refused to obey the law and lost it as a result. They broke the law and paid the price. They have been fairly treated by regulators, and the CRTC decision has been upheld by the Federal Court of Appeal. Since the Conservative party campaigned on a platform of law and order, giving in to the petulant demands of scofflaws like Patrice Demers would undermine the government’s credibility on that issue.

It could also put women and minorities at risk for the violence that can result from the unrestricted broadcast of abusive commentary. Given that, any weakening of the CRTC’s powers to regulate the airwaves must be done through legislation, so that politicians of all parties get to debate it in the House of Commons. Public hearings must also be held to provide an opportunity for at-risk groups to present their concerns to legislators.

“I trust this won’t happen,” says anti-violence activist Valerie Smith. “I expect the new Minister, once she considers all the facts, will put the best interests of women and minorities ahead of Mr. Demers’ financial interests. Racial and religious groups have some additional protection from abusive comments under the *Criminal Code* hate propaganda law, but women have nothing other than the CRTC to protect us from irresponsible broadcasters.”

The CBC is currently one of those irresponsible broadcasters. Our publicly-funded network is involved in a satellite radio consortium, Sirius Canada, that brought the Howard Stern show back to Canada on January 9. This, in spite of the fact that Stern has a demonstrated record of abusive comment directed at vulnerable groups, particularly women, the reason he was removed from Canadian radio previously.

For further information, please contact Valerie Smith at valsmith@fradical.com

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About the Free Radical: The Free Radical web site (www.fradical.com) is maintained by Toronto anti-violence activist Valerie Smith to provide information on media violence and strategies for combating it.

She is the author of the *Action Agenda: A Strategic Blueprint for Reducing Exposure to Media Violence in Canada*, funded and published by Ontario’s Office for Victim’s of Crime. The report is available for free download from the Free Radical web site.

BACKGROUND

Excerpts from the *Broadcasting Act Regulations*. Entire documents are available from the CRTC web site www.crtc.gc.ca.

Pay Television Regulations

3. (2) No licensee shall distribute programming

(b) that contains any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

Radio Regulations

3. A licensee shall not broadcast

(b) any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

Specialty Services Regulations

3. No licensee shall distribute programming that contains

(b) any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

Television Broadcasting Regulations

5. (1) A licensee shall not broadcast

(b) any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

¹ *Quebec broadcaster wants Tories to reverse CRTC decision*, Globe and Mail, February 11, 2006

² *Quebec broadcaster wants Tories to reverse CRTC decision*, Globe and Mail, February 11, 2006

³ *The CRTC decides not to renew the licence of CHOI-FM Quebec*, CRTC News release, July 13, 2004

⁴ *CRTC approves Al-Jazeera for Canadian viewers*, CTV news, July 16, 2004