



Broadcasting Public Notice CRTC 2006-166

Ottawa, 22 December 2006

Addition of nine non-Canadian Chinese-language services to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** a request to add nine non-Canadian, Chinese-language, general interest services to the lists of eligible satellite services for distribution on a digital basis (the digital lists) and amends the lists of eligible satellite services accordingly. The nine services in question are CCTV-4, The Satellite Channel of Southern Television Guandong, Southeast TV Station, Jiangsu International TV Channel, Beijing TV, CCTV Entertainment Channel, Dragon TV, China Yellow River Television Station and Hunan Satellite TV (the “Chinese Great Wall TV Package”). These services satisfy the criteria set out in Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis, Broadcasting Public Notice CRTC 2004-96, 16 December 2004 (Public Notice 2004-96), in that they are general interest, non-Canadian, third-language services. The Commission’s policy set out in Public Notice 2004-96 provides that distribution of such services will generally be authorized, subject to distribution and linkage requirements, as described in that public notice.*

The Commission finds that one of these programming services, CCTV-4, aired abusive comment in news stories dating back to 1999 and 2001. The Commission defines abusive comment as any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or 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. In light of the age of the stories and the absence of any concrete evidence as to similar comment since, the Commission is unable to conclude, with a reasonable degree of certainty, that the stories in question are typical of content currently aired on CCTV-4.

The Commission notes CITVC’s statements that the Chinese Great Wall TV Package (which includes CCTV-4) “obeys the laws of every country in which its services are broadcast and Canada will be no exception” and “will comply with the provisions of the relevant codes that govern Canadian broadcasters.” The Commission will expect CCTV-4 to ensure that abusive comment is not aired when the service is distributed in Canada, failing which, the service could be removed from the digital lists.

Introduction

1. The Commission received a request dated 8 September 2005 from the Canadian Cable Telecommunications Association (CCTA) for the addition of nine non-Canadian, Chinese-language, general interest programming services (the “Chinese Great Wall TV Package”, referred to hereafter as the “Great Wall Package”) to the lists of eligible satellite services for distribution on a digital basis (the digital lists). The nine services originate in mainland China and are represented internationally by China International Television Corporation (CITVC). The CCTA noted that CITVC is a state-owned corporation and is a wholly-owned subsidiary of China Central Television (CCTV). The CCTA also noted that CITVC is the largest media company in China and is the global marketing agent for program copyrights owned by CCTV.
2. The CCTA described these non-Canadian services as follows:

CCTV-4 is a general interest service offering programming in Mandarin. It is a satellite channel mainly serving audiences from Hong Kong, Macao, Taiwan and overseas. It offers Chinese domestic news programs, drama, documentaries and talk shows.

The Satellite Channel of Southern Television Guandong is a general interest service offering programming in Cantonese. Its programming includes lifestyle, fashion, entertainment and drama, as well as news and information.

Southeast TV Station is a general interest service offering programming in the Fujianese dialect. Its programming includes news, entertainment, sports and financial information. Approximately 2.87% of the overall weekly schedule is news programming in the English language.

Jiangsu International TV Channel is a general interest service offering programming in Mandarin. Its programming showcases the Wuyue culture along the southern Yangtse River and includes news and financial information, entertainment, education, TV dramas, cultural and travel programs. Approximately 2.87% of the service’s weekly schedule is news programming in the English language.

Beijing TV is a general interest service offering programming in Mandarin, and has a domestic audience of more than 200 million. Its programming includes culture, history, fashion, lifestyle, travel, sports, technology, entertainment and children’s programming.

CCTV Entertainment Channel is a general interest service offering programming in Mandarin. Its programming includes TV dramas, music including Chinese opera, folk arts, Chinese acrobatic shows and gala presentations.

Dragon TV is a general interest service offering programming in Mandarin. The service operates 24 hours a day, with more than 6 hours of news programming per day including some English-language news (approximately 0.5% of the overall weekly programming schedule). Its Mandarin programming also includes entertainment, sports, documentaries and drama.

China Yellow River Television Station is a general interest service offering programming in 100% Mandarin. It primarily features programs related to teaching and training, including Chinese-language learning, Chinese chess, painting, poetry, operas, local dancing, music, Chinese antiques, Chinese cuisine and cooking, Chinese Kung Fu and traditional Chinese medicine.

Hunan Satellite TV is a general interest service offering programming in Mandarin. Its programming includes mainly entertainment and informational programs which capture the pulse and essence of city living in China.

3. According to CITVC, CCTV-4 and CCTV Entertainment Channel “are owned at the national level,” while the other services are all “owned at the provincial level.” CITVC stated that it does not own any stations and simply acts as the agent in international matters.
4. The Commission subsequently issued *Call for Comments on the proposed addition of nine non-Canadian Chinese-language services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2005-124, 16 December 2005 (Public Notice 2005-124).

Submissions Received - Phase One

A) Overview

5. The majority of the parties who filed comments in response to Public Notice 2005-124 were in support of the request. That is, the Commission received almost 200 individually registered comments, over 2,000 letters including form letters and over 7,000 signatures on petitions supporting the addition of these services. The Commission also received almost 200 individually registered comments, approximately 650 letters and approximately 600 signatures on petitions opposed to adding these services to the digital lists.

B) The Petitions

6. The petitions in support of the addition of the nine services submitted that it was extremely important to have full access in Canada to television channels from the mainland of China and Hong Kong in order to give Mandarin- and Cantonese-speaking Canadians the same cultural and social opportunities that Chinese communities have in other countries around the world.

7. The petitions opposed to the addition of the services submitted that these stations are not media in the normal sense, but rather are “many channels but one voice” of the Chinese Communist Party (CCP), consisting of propaganda that includes lies, fabricated stories, or pieces of misleading news. Further, the services do not follow a code of ethics, nor do they provide for any freedom of speech. The petitions stated that the services had broadcast thousands of pieces of anti-Falun Gong propaganda over the past few years as part of a campaign by the CCP to eradicate Falun Gong, with the intent to demonize the group.

C) Programming services

8. Fairchild Television (Fairchild), stated that Talentvision, Fairchild’s Mandarin-language service, would be vulnerable to the negative effects that the introduction of these Mandarin-language services could have on its viability. Consequently, it might not be able to fulfil its commitments to the Canadian broadcasting system. Fairchild stated that, taking into account the Commission’s addition to the digital lists of Phoenix North American Chinese Channel and New Tang Dynasty Television (NTDTV),¹ no other Canadian analog third-language specialty service faces the degree of competition that would be created by the addition of these nine services. Fairchild submitted that, if distribution of these services is approved, the ratio of Canadian to non-Canadian services in the same language (i.e., Mandarin) would be 1:11. Further, Fairchild has programming supply agreements with CCTV, some of which have expired and are up for renewal. Fairchild was concerned that the addition of these services to the digital lists could affect or jeopardize these program supply agreements. According to Fairchild, CCTV had not yet initiated renewal negotiations.
9. Multivan Broadcast LP (Multivan) had concerns similar to those expressed by Fairchild with respect to the ratio of non-Canadian to Canadian Chinese-language services, and the possible impact of the addition of the nine services on programming supply. Multivan also alleged that the services are not general interest in the Canadian context, but rather are closer to niche services.
10. NTDTV, a New York-based Chinese-language television service, opposed the addition of the services, stating that these services use abusive language to incite hatred against groups targeted by the CCP. It also referred to a Canadian Broadcast Standards Council (CBSC) ruling concerning Talentvision’s December 2001 airing of a news story supplied by CCTV. The CBSC ruled that Talentvision had breached articles of the Canadian Association of Broadcaster’s (CAB’s) Code of Ethics and Violence Code and of the Radio and Television News Directors Association of Canada’s Code of (Journalistic) Ethics when it broadcast the news item on its service in Canada. NTDTV also stated that, unlike the airing of this news story by Talentvision (a Canadian licensee), the Commission would have no ability to monitor, control or apply sanctions with respect to any of the content aired by the nine non-Canadian services.

¹ *Revised lists of eligible satellite services*, Broadcasting Public Notice CRTC 2005-105, 24 November 2005

D) Other individuals and organizations in opposition

11. Some individuals and organizations such as the Falun Dafa Association of Canada (FDAC), the Chinese Insight Research Society (CIRS), Canadians Against Propaganda (CAP), and a few smaller Chinese community groups suggested that the news coverage on the services, primarily the coverage of Falun Gong on CCTV-4, contravened the Commission's regulations with respect to abusive comment. Further, a number of individuals and some organizations maintained that the nine services produce programming with specific ideological content under the direction of the CCP. Some of these parties alleged that the services create false and misleading news. Examples given included the Chinese media coverage of SARS and of the Tiananmen Square killings of student protesters, and programs relating to the 9/11 terrorist attacks.

12. The World Organization to Investigate the Persecution of Falun Gong (WOIPFG) considered that the nine channels "are not standard television channels by any stretch of the imagination," and argued that its own reports show that "these channels are propaganda tools of the CCP and exist primarily to promote and spread the CCP's political ideology and propaganda." This propaganda, in the WOIPFG's view, has played an important role in "sustaining the persecution of Falun Gong practitioners in China and in fuelling hatred toward Falun Gong practitioners in China and abroad." As evidence of "CCTV fabrications," the WOIPFG referred to the above-noted CBSC ruling against Talentvision regarding the airing of a news story that originated from CCTV-4. The WOIPFG stated that the news story in question featured Fu Yi-bin, a man accused of brutally killing his wife and father. The story showed graphic footage of blood-soaked walls and bedding, and linked the rationale behind the crime to Mr. Fu's allegiance to Falun Gong. The WOIPFG submitted that the CBSC concluded, among other things, that the news item was unfair and improper in its method of linking the murderer to Falun Gong, and that the repeated blood-soaked images constituted a breach of the requirement for broadcasters to use appropriate editorial judgment in the selection of video depictions. The WOIPFG also referred to a CCTV-4 news story aired 23 January 2001 entitled "The Self-Immolation in Tiananmen Square"² as a further example of anti-Falun Gong coverage. The WOIPFG stated that "television stations across China repeat the airing of this footage every year on the anniversary of this incident." The comments filed by the WOIPFG also included a discussion of the Chinese government's "infiltration" of its domestic media, and China's dissemination of "propaganda" overseas.

² On 23 January 2001, seven alleged Falun Gong practitioners went to Tiananmen Square to set themselves on fire. One died, four suffered serious burns and two others were stopped prior to setting themselves on fire. The evidence filed in phase two of this proceeding indicates that, on 30 January 2001, CCTV-4 aired a documentary on the incident as part of its *Focus Report* series.

13. The Federation of Asian Communities (FAC) argued that the evidence provided with its submission reveals that all of the services except CCTV Entertainment Channel have been airing programming containing abusive language to incite hatred against certain groups, and that they generate false and misleading news to serve the CCP. The FAC stated that it has every reason to believe that this policy will continue and that, if these services are distributed in Canada, its members will be victimized. The FAC also submitted that Jiangsu TV, SETV TV, Beijing TV, Dragon TV, Hunan Satellite TV and TVS Satellite air news programs from CCTV-4, and that the evidence collected against CCTV-4 should also be applicable to the other services.
14. The FDAC, which described itself as a non-profit organization representing Falun Gong practitioners across Canada, submitted that all nine services have the same mission and governance under the ownership of CCTV, and follow the same programming and editorial policies and guidelines as CCTV-4. Thus, in the FDAC's view, its submissions with regard to CCTV-4 are relevant to all nine services. The FDAC stated that it is inevitable that these channels would continue their history of airing programming that attacks and incites hatred, breeds prejudice and marginalizes. According to the FDAC, the nine channels offer false and misleading news programming that serves as propaganda of the CCP, are used to incite hatred against identifiable groups such as Falun Gong, and would contravene Canadian law. The FDAC provided uncertified translations of quotations of news stories broadcast on some of the nine services. It also stated that services on the eligible lists should meet the minimum journalistic standards required of Canadian licensees.
15. The Tibet Centre for Peace and the Toronto Tibetan Youth Congress also opposed the request, arguing that the services have aired programs inciting hatred against Tibetan people. Both organizations provided a quotation from a CCTV-4 news story broadcast on 2 April 2001 where a government official in an interview with a reporter made negative comments concerning the Dalai Lama on the occasion of his visit to Taiwan.

E) Individuals, Chinese organizations and business groups in support

16. Mr. Lu Shumin, the Ambassador of the People's Republic of China to Canada, encouraged the Commission to add Chinese-language programming services in order to (i) keep Chinese-Canadians in touch with their cultural origins, (ii) maintain a connection between Chinese Canadians and their history, traditions, and culture in their language of comfort, especially Chinese-speaking seniors and new immigrants, (iii) enrich familial connection and strengthen cultural roots, (iv) add to the enjoyment of learning to speak Chinese, and (v) make homeland culture more attractive to the younger generation.

17. The Confederation of Toronto Chinese Canadian Organizations, an umbrella group representing 56 Chinese Canadian associations, noted that the addition of the services would enrich the cultural life and the mental well-being of all Chinese Canadians, in particular, new Chinese immigrants from mainland China (especially older individuals who have been sponsored by family members already established in Canada). In its view, these Chinese TV services would provide such immigrants, in their own language or dialect, with news reports, discussions of public and current issues, and a great variety of programs touching upon all aspects of Chinese society and civilization. Other organizations made similar submissions.
18. One individual noted her hope that her son, who was born in Canada, would, when he grows up, be able to speak and read Chinese and be able to understand Chinese culture. In her view, the services would promote cross-cultural understanding and multiculturalism, and would support and reinforce Canada-China relations. Further, this individual stated that the addition of the services could be “very helpful to our country, communities, families, and our kids.” Other individuals made similar submissions.
19. Chinese community businesses and business associations also filed comments in support of the addition of the nine services. For example, a representative of China Travel Services (Canada) stated that, given that China is Canada’s second largest trading partner, millions of business travellers need to travel to China. In this individual’s view, some essential information can be obtained from the Chinese TV programs, which would better equip the business traveller to China.

Reply by CCTA - Phase One

20. In reply to the above-noted comments, the CCTA stated that competitive concerns regarding non-Canadian, third-language services have been fully addressed in *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2004-96, 16 December 2004 (Public Notice 2004-96), and, in particular, with the implementation of the “buy-through” requirement described in that public notice. In its view, to deny the addition of the services on the basis of competitive concerns would require a fundamental change to the existing policy.
21. The CCTA also replied that arguments concerning content are only relevant toward a determination of whether each of the proposed services is a general interest service and in consideration of whether a proposed service has aired or is likely to air abusive comment. Concerns related to a disagreement with editorial, political or ideological content are not a relevant basis on which to oppose the addition of these services. Further, the CCTA noted that providing services that reflect a diverse range of viewpoints would strengthen the Canadian broadcasting system. It also submitted that each of the services would be required to comply with the laws and regulations governing broadcasting in Canada. Therefore, content is not a basis on which to deny any of the proposed services.

22. The CCTA considered that Fairchild's and Multivan's concerns regarding program rights have been addressed. It noted that, in accordance with the filing requirements for the sponsorship of non-Canadian services, it had provided an undertaking from the non-Canadian service provider that it does not hold, will not obtain, nor will it exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.
23. Along with its own reply, the CCTA provided a reply from CITVC. CITVC stated that it has been supplying Canadian programming services with CCTV programming for eight years. It estimated that there have been over 30,000 hours of CCTV programming aired on Canadian programming undertakings, with only the one negative decision by the CBCS with respect to a CCTV program aired in Canada on Talentvision in December 2001. CITVC asked why, if CCTV's programming is as biased and unprofessional as the Falun Gong group would have the Commission believe, there has been only one negative decision out of a significant amount of programming over such a considerable period of time.
24. CITVC stated that, on average, the percentage of programming on the nine services devoted to news represents about 13% of the total weekly programming, and noted that the overwhelming majority of programming was not subject to any criticism.
25. Further, CITVC submitted that the Great Wall Package has not broadcast statements designed to engender hatred or encourage acts of violence. Moreover, the nine services would comply with the provisions of the relevant codes that govern Canadian broadcasters. Consequently, the Commission should feel no need to impose any special conditions on the entry of these new services into the Canadian broadcasting system.
26. On 13 February 2006, Rogers Cable Communications Inc. (Rogers) advised that, with the wind-up of the CCTA announced on 10 February 2006, it would take over as the Canadian sponsor of the nine non-Canadian Chinese-language services.

Further Process - Phase Two

27. After the close of the public comment period specified in Public Notice 2005-124, the Commission received three requests for an oral public hearing in light of the concerns raised by various parties during the proceeding as to the content of the nine services.
28. In response to these requests, the Commission issued *Call for comments on the proposed addition of nine non-Canadian Chinese-language services to the lists of eligible satellite services for distribution on a digital basis – Re-opening of proceeding to permit the filing of evidence*, Broadcasting Public Notice CRTC 2005-124-1, 31 March 2006 (Public Notice 2005-124-1).

29. In Public Notice 2005-124-1, the Commission noted that, under its general approach to the addition of non-Canadian third-language services, set out in Public Notice 2004-96, requests to add non-Canadian, third-language, general interest services to the digital lists are generally approved, subject, as appropriate, to new distribution and linkage requirements. The Commission then went on to state that, given its stated approach that the addition of such services would generally be approved, it considered it incumbent on those parties seeking denial to make a persuasive case for such denial.
30. In this regard, the Commission noted that many parties filing comments pursuant to Public Notice 2005-124 had opposed the addition of these services on grounds similar to those expressed in the requests for a public hearing. However, the Commission also noted that most of these parties had provided little or no evidence to substantiate their positions. Similarly, the parties requesting that the Commission conduct further process provided little or no evidence to substantiate their concerns.
31. With respect to the above, the Commission noted in Public Notice 2005-124-1 that this was the first occasion since the establishment of its new approach that it had received requests for further public process with regard to the addition of services such as those indicated above. Accordingly, and given the nature of the concerns expressed, the Commission found it appropriate to re-open the record of the proceeding initiated by Public Notice 2005-124 for the purpose of permitting the filing of concrete evidence in relation to the concerns expressed. In so doing, the Commission noted that such evidence might consist, for example, of transcripts or tapes of actual programs aired on any of these nine services, along with details as to the name of the specific service broadcasting the program or program segment and the date or dates on which it was aired. The Commission added that it would expect all materials in a language other than English or French to be accompanied by a certified translation in either English or French.

Submissions Received - Phase two

32. The majority of the parties who filed comments in response to Public Notice 2005-124-1 were opposed to the request. That is, the Commission received more than 200 individually registered comments, over 2,500 letters including form letters and almost 2,000 signatures on petitions opposed to the addition of the services. However, the Commission also received approximately 100 individually registered comments, approximately 220 letters, including form letters, and 91 signatures on petitions supporting the addition of these services to the digital lists.
33. Mr. Bill Siksay, Member of Parliament for Burnaby-Douglas, indicated that he has no objection to these channels being among the services offered by Canadian cable systems, but that he is concerned that Canadian Chinese-language services should have prominence on Canadian cable systems. He also expressed concern about a large number of channels controlled by one broadcaster. His other concern related to the news and

information programming provided by Xinhua News Agency (Xinhua Agency). He argued that it would be appropriate to limit the number of channels available, particularly when it comes to news and information programming or programming that might be considered an overtly political message.

34. Mr. Siksay also stated his belief that Canadians can and should view all news and information programming, no matter what the source, with a critical eye. Mr. Siksay attached to his comments a report critical of Xinhua Agency by Reporters Without Borders (RWB), which provided “a critical overview of [Xinhua Agency’s] highly censored and tightly controlled news gathering and distribution operation.”
35. In addition, Mr. Charlie Angus, Member of Parliament for Timmins-James Bay, urged the Commission to exercise “due diligence” in its review of the request to add the services, and stated that he was “wary about the potential of allowing a group of stations into Canada with a connection to widely recognized human rights violations and full governmental control.”
36. Mr. Lu Shumin, Ambassador of the People’s Republic of China, commended the “Canadian government’s approach to absorbing the non-Canadian third-language television services into Canada to enrich Canada’s cultural mosaic.” Mr. Lu considered that adding these nine Chinese-language services would conform to this spirit of cultural diversity and would help diversify the cultural life of the Canadian people. In his view, it is completely untrue and groundless to accuse the Great Wall Package of being a propaganda tool of the CCP. Mr. Lu considered that the majority of those who want to receive the package of services should have their will and interests heard and respected. In his view, Canadians should not be deprived of their “reasonable rights” by a handful of people making false accusations.
37. Three parties opposing the request to add the services filed video evidence, accompanied by English-language transcripts prepared by a certified translator. These parties were the FDAC, the CIRS and CAP. A fourth opposing party provided video evidence without a certified transcript.
38. The FDAC opposed the addition of these services, stating that, among other things, “the broadcast standards and the security of Canadians will be threatened by the importation of these signals into Canada.” In its view, the components of the Great Wall Package are blatant propaganda tools that have been instrumental in the CCP’s attacks against anyone it arbitrarily considers as enemies, including Tibetans, democracy and human rights advocates. According to the FDAC, the “clearest and most immediate example” where the Chinese television stations are being used as a propaganda tool is “the brutal current campaign against Falun Gong.” In support of its claims, the FDAC provided videotaped evidence from 1999 and 2001, including news stories aired on CCTV-4, along with transcripts of the broadcasts from a certified translator.

39. The FDAC also included numerous on-line English-language news articles from the Xinhua Agency dating from 2001 and 2002, primarily about Falun Gong, articles from Western print media, and an excerpt from a report by Amnesty International on the Chinese government's crackdown on various groups "branded by the government as heretical organizations." Further, the FDAC provided excerpts from statements allegedly made by Chinese government leaders concerning the media in China. Also included in its submission were English-language news articles from CCTV's Web site,³ primarily on issues relating to Falun Gong.
40. The CIRS opposed the request to add the nine Chinese-language services. It is the CIRS' view that the Communist regime's broadcasting of nine channels to Canada would "pose a threat and poison the cultural, political and economic fabric of Canada as it has done to its own society when through naked power it gained control of a great culture and has since continued its efforts to suppress or destroy traditional beliefs and customs." The CIRS considered that "it had provided sufficient evidence about the atrocities committed by the Communist regime in China, their domination of the Chinese Media, their manipulation of the media, and use of propaganda" in phase one of the proceeding.
41. Further, the CIRS considered that this request "should be seen as an attempt by a totalitarian regime to gain control of ethnic Chinese wherever they live, including Canada, [to] prevent criticism of the regime by the overseas media, [to] sway the Chinese community to be pro-Beijing" and "to mobilize the overseas Chinese to carry out their bidding, putting a Communist spin on Canadian news and Canadian government policies."
42. The CIRS also stated that the fundamental news source for these nine channels is Xinhua Agency. It noted that Xinhua Agency is labelled the "world's biggest propaganda agency" by RWB. The CIRS also noted that RWB had issued an investigative report on Xinhua Agency, to which the CIRS provided an Internet link.
43. The CIRS provided a tape of a live music variety show called "The Same Song", a concert held in Toronto around Chinese New Year. According to the CIRS, the theme song of the program is used in slave labour camps to break the will of prisoners and mark their renunciation of their beliefs. According to the CIRS, prisoners are "subjected to repeated recordings of the song, and are forced to sing the song together with their torturers and prison guards after they have signed a renunciation statement."
44. The CIRS also provided comments (which it referred to as "background") on such issues as the Chinese government's record of religious and spiritual persecution (including alleged actions taken against Tibetan monks, Falun Gong Practitioners and Catholics) and allegations relating to organ harvesting from prisoners.

³ www.cctv.com

45. The CIRS also stated that Canadian television companies would not be able to freely operate in China, as these Chinese services are seeking to do in Canada, in light of the Chinese government's strict control of all forms of media, including its surveillance and control of the Internet in China.
46. The CIRS provided video evidence from a "Frontline" PBS documentary on the Tiananmen Square protest of 1989, which contained footage alleged to have been aired on CCTV-4. The footage contained a clip of a protester standing in front of the tanks with a voice-over allegedly from a CCTV-4 announcer stating in Mandarin, with English subtitles, that:

Anyone with common sense can see that if our tanks were determined to move on, this lone scoundrel could never have stopped them. This scene recorded on videotape flies in the face of Western propaganda. It proves that our soldiers exercised the highest degree of restraint.
47. In addition, the CIRS provided copies of photographs of Falun Gong practitioners who allegedly had been tortured by Chinese authorities. The CIRS also filed a videotape of a documentary entitled "False Fire" by an unnamed producer. This documentary provided an analysis of CCTV-4's coverage of the self-immolation incident, alleging, among other things, that elements of the incident were staged or orchestrated by the Chinese government and CCTV-4.
48. CAP opposed the addition of the nine services to the digital lists. In CAP's view, "as the mouthpiece of the CCP, the Chinese TV services are mandated to attack groups such as the Falun Gong, Tibetans and the Dalai Lama, democracy advocates, the Taiwanese Independence Movement and Western democracies themselves." CAP submitted that "the focus" should be the mandate of the CCP and its use of media as a weapon to carry out its hate campaigns.
49. Among other non-video submissions, CAP provided an article from the Daily Telegraph detailing how China's state-run television produced videos mocking the 9/11 terrorist attacks on the World Trade Centre, and an article from the Washington Post describing how the CCP uses propaganda as a weapon to turn public opinion against Falun Gong in order to eliminate it.
50. CAP stated that, given the short public comment window, the CCP's ability to hide information and the fact that TV programs are not normally taped by viewers, CAP could obtain only a very limited amount of evidence. CAP stated that, on 19 April 2006, it wrote to CITVC requesting copies of specific programs that were aired on CCTV and that might have been used to incite hatred. CAP stated that CITVC did not provide those tapes.

51. CAP provided a chart in support of its submissions indicating that CCTV-4's daily program *Focus Report* carried 28 episodes defaming Falun Gong over the 32 days commencing 21 July 1999 and ending 21 August 1999. This period, according to CAP, coincided with the CCP's campaign against Falun Gong. Further, CAP stated that, during that same period, *Focus Report* also carried three programs attacking the then Taiwanese President who had just published his "two-state" theory.
52. In terms of video evidence, CAP provided five news stories from CCTV-4 relating to Falun Gong that were aired in 1999 and 2001. CAP stated that, in these stories, Falun Gong practitioners were portrayed as insane, murderous and suicidal. CAP also stated that the footage delivered the message that Falun Gong destroyed families, and that the effects of this "hate propaganda" were evident in statements such as those made by an elementary school student who said "I hate Falun Gong and Li Hongzhi⁴ tremendously."
53. In her submission, an individual named Jin Jin contended that, while living in China, she was coached for responses in an interview with a CCTV reporter and given statements to rehearse and recite, under duress, in front of the camera. Among those statements were the following: "As a scientist, I should believe in science instead of superstition" and "I'm a software engineer and I should spend time improving my work. In the past, I spent most of my leisure time practicing Falun Gong. Now I've realized just how wrong I was."
54. Jin Jin submitted that the news story was "a lie", and that it was made in order to spread lies and hatred. She submitted that, after the story was aired, her relatives and friends would not have anything to do with her or her family, as they feared that they would get into trouble. Jin Jin provided a video clip of the story in question with voice-over narration in English, with all Mandarin-language comments from Jin Jin and her family subtitled in English. She also provided an uncertified English translation.

Reply by Rogers and CITVC - Phase Two

55. Rogers noted in its reply that the vast majority of those who submitted comments, particularly the Falun Gong supporters, used this process merely to repeat unsubstantiated arguments made in the initial proceeding. Rogers noted that "most of the evidence filed by the four interveners who actually filed video evidence or transcripts was irrelevant, inaccurate or stale dated, or some combination of the foregoing." Rogers stated that, where there was any precision, the opposing parties focused on the news broadcast on CCTV-4 and the popular program, *Focus Report*, but that the average weekly amount of news programming is only about 13% of the overall programming schedule of the nine services taken together. Rogers submitted that the Commission, in reviewing the "evidence" filed by the four opposing parties, must keep in perspective the amount of programming to which the complaints relate and the dates when the programs were aired.

⁴ Li Hongzhi is described as Falun Gong's founder.

56. Rogers considered the distribution and linkage requirements set out in Public Notice 2004-96 appropriate with respect to the nine services (i.e., “buy-through” for analog specialty services in the same principal language and “must-offer” for Category 2 services in the same principal language). Further, Rogers submitted that by no means should the Commission impose any kind of monitoring and alteration/deletion requirements on those distributors that may wish to distribute the services, as was done in the Commission’s decision to add Al Jazeera to the digital lists.⁵ Rogers submitted that, if a distributor was to entertain the idea of carrying Al Jazeera, the mechanics of compliance would be daunting. Specifically, Rogers contended in the case of Al Jazeera that it would require at least five full-time employees fluent in English and Arabic, with a sound knowledge of Middle East geopolitical nuances, and a solid understanding of Canadian constitutional law as well as broadcasting law, policy, regulations and standards, and having the technical experience to operate digital editing equipment after making split second decisions regarding program content. If five such qualified employees could be found, Rogers estimated that the cost of compliance would be approximately \$625,000 in recurring annual operating costs (salaries and benefits) and \$20,000 in one-time capital costs (i.e., switching equipment to override the Al Jazeera feed with a blank screen).
57. Rogers considered that, if the Commission adopted similar measures with respect to these Chinese-language services, it would lead to even greater challenges and a greatly increased cost structure. In Rogers’ view, the example provided by Al Jazeera makes it clear that an approval of this request combined with monitoring and alteration/deletion requirements would be tantamount to a denial of the request. Rogers submitted that such a result would not meet the objectives of the *Broadcasting Act* (the Act).
58. With its reply, Rogers included a reply from CITVC to comments filed in phase two of the proceeding. CITVC stated that there were only four opposing parties who supplied tapes of news stories, which focused primarily on two events in 1999 and 2001. CITVC stated that “the evidence, in addition to being completely inaccurate in some cases, is thus both narrowly telescoped and stale dated.” CITVC noted that CCTV-4 has aired almost 120,000 hours of programming since it first went on the air in 1992, and that the service is available in 134 countries around the globe. With that in mind, CITVC asked, “Why is it when the Commission asks for concrete evidence, the opposing interveners produce almost nothing, and absolutely nothing since 2001 other than a variety show where the Falun Gong is not even mentioned?”
59. In CITVC’s view, there have clearly been two seminal events in the history of the relationship between the Falun Gong and the government of the People’s Republic of China (PRC). The first occurred in 1999 when the National People’s Congress of the People’s Republic of China banned Falun Gong, and the second in 2001, with the self-immolation incident. Further, CITVC stated that it should come as no surprise that tensions and passions were aroused at those times and that the complaints centre on those two important moments.

⁵ *Requests to add Al Jazeera to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2004-51, 15 July 2004.

60. CITVC stated that the CIRS, the FDAC and CAP are all attempting, through this latest round of material, to denounce the Chinese government for its policies and decisions and, in particular, for the banning of Falun Gong. In CITVC's view, this is neither appropriate nor relevant with respect to Rogers' request.
61. The opposing parties, in CITVC's view, focussed on the news and the popular program *Focus Report* on CCTV-4. CITVC provided a short promotional video profiling CCTV-4 and a similar video promoting *Focus Report*. CITVC noted that the services are general interest services, not news services. Taking all nine services into account, the average weekly amount of news programming on the nine services is about 13%, and CITVC submitted that it is important to keep in perspective the amount of programming to which the complaints relate.
62. CITVC also submitted that there are translation errors in favour of the position taken by the opposing parties. CITVC provided one example to support this assertion, a translation of the 1999 announcement on CCTV-4 informing the public of the ban on Falun Gong, and attempted to demonstrate that the translation provided by the submitting party differs from the translation that CITVC provided.
63. CITVC stated that the Great Wall Package obeys the laws of every country in which its services are broadcast, and that Canada would be no exception.
64. CITVC considered Mr. Siksay's concern regarding media concentration to be ill-founded. In CITVC's view, after twenty years of having Fairchild in Canada as the sole supplier of Mandarin-language programming, the addition of the Great Wall Package, together with other Mandarin-language services that have been added to the digital lists under the Commission's revised approach, offers a welcome solution, not a problem. With respect to Mr. Siksay's and the FDAC's comments concerning Xinhua Agency, CITVC noted that Xinhua Agency supplies less than 2% of the news items on the nine television services (with the balance consisting of 21.4% Chinese regional TV broadcasters, 36.6% produced by CCTV and 40.9% from foreign news organizations). CITVC also stated that "no one makes people watch television news in Canada...there are alternatives, including whatever those viewers are watching now, prior to the arrival of the Great Wall Package." Finally, CITVC also noted that Mr. Siksay had no objection to CITVC being part of the services offered by Canadian cable systems.
65. CITVC argued that the CIRS' submission of the tape of the live music variety show called "The Same Song" is "completely irrelevant" to the Commission's proceedings. CITVC stated that it is a variety show where well known pop singers perform on stage, joined by members of the audience. The particular episode was based in Toronto in early 2006, and received accolades from the Prime Minister, the Premier of Ontario and the Mayor of Toronto. The show is based on "the theme of tributes to human love and life, and as such, there is simply no connection with brainwashing and persecution as suggested by [the] CIRS."

66. CITVC submitted that the evidence relating to the altercation between a protestor and the tanks in Tiananmen Square is also not relevant, as CCTV-4 was not in operation until 1992, which was after the Tiananmen Square protest in 1989.
67. CITVC considered that the documentary submitted by the CIRS entitled “False Fire” contains false information, misinterpretation and some highly questionable claims, such as the assertion that CCTV was on the spot waiting for the self-immolation incident to occur, when in fact it used footage supplied by a third party. CITVC stated that the program was never aired on any of the Great Wall Package services, yet is being used as evidence against these services. CITVC stated further that there is no reason why the Commission should be involving itself in the consideration of the veracity of an incident that occurred five years ago.
68. With respect to the CCTV-4 coverage of the self-immolation incident on *Focus Report*, CITVC confirmed that, in July 1999, *Focus Report* broadcast 28 editions containing stories on Falun Gong. CITVC stated that the reason for this coverage was that the Chinese government had banned the Falun Gong organization in the wake of several incidents of people dying as a result of practicing Falun Gong. As a media organization, CITVC stated that CCTV decided this was the most important news event of the time and that it had a responsibility to report what had happened, or it would lag behind its counterparts who were also covering the event.
69. In terms of the video evidence filed by the FDAC concerning the self-immolation incident, CITVC stated that there is nothing about this incident that should give the Commission pause with respect to the admission to Canada of the Great Wall Package. In the view of CITVC, CCTV-4’s field report on the self-immolation incident was objective, and every attempt was made to provide a balanced report.
70. In response to the evidence filed by Jin Jin, CITVC contended that, although the interview was part of a CCTV-4 news story, the story that was aired on CCTV-4 was not contained in the video submitted. Further, CITVC provided statements from four personnel members who worked on the interview that journalistic principles were adhered to, which refuted Jin Jin’s assertions that she was coerced into giving the statements.
71. Regarding the non-video evidence provided by various parties, CITVC stated that the article from The Daily Telegraph submitted by CAP had nothing to do with CCTV and that “CAP’s judgment concerning the existence of a video disc applauding the 9/11 terrorist attacks was based on a single report on one particular media.” CITVC also noted that neither the discussion in the article nor CAP identified the source of the program or indicated by what audience groups it was watched. With respect to the Washington Post article on Falun Gong, also submitted by CAP, CITVC considered that it “simply has nothing to do with the Great Wall TV Package.”

72. CITVC also noted that the FDAC cited an excerpt from a report by Amnesty International stating that the “CCP uses media as a massive propaganda tool for human rights abuses,” in order to illustrate that CCTV is also such a tool. In CITVC’s view, this material demonstrates the FDAC’s discontent with respect to the Chinese government and Communist Party, and levels false criticism against the news media. Moreover, CITVC considered that the FDAC’s filing of excerpts from speeches of Chinese government officials represented nothing more than political dissent concerning the Chinese government and the Communist Party. For both cases, CITVC argued that the content of the FDAC’s submissions have nothing to do with the Great Wall Package.
73. In response to the CIRS’ submission of photographs depicting alleged Falun Gong members who were victims of torture, CITVC described the photographs as “simply having nothing to do with the Great Wall Package.”
74. With respect to submissions by the FDAC regarding news stories from the Web site of Xinhua Agency⁶ and from CCTV’s Web site, CITVC noted that Xinhua Agency provides less than 2% of the news items on these nine services and that it is fundamentally concerned with print matters, and not radio and television. Further, with respect to the webpage news stories, CITVC stated that, rather than being “completely unbalanced Falun Gong attack programs”, as described by the FDAC, these stories were “all actually objective coverage of news events.”

Commission’s analysis

A) General

75. As noted earlier, in Public Notice 2004-96, the Commission stated that, going forward, requests to add non-Canadian, third-language, general interest services to the digital lists would generally be approved, subject, as appropriate, to new distribution and linkage rules described in that public notice.
76. In Public Notice 2004-96, the Commission described a general interest service as follows:

...a general interest service means one that, unlike a niche service, offers programming from a broad spectrum of program genres and categories.

In accordance with the Commission’s requirements regarding the information that Canadian sponsors must file in support of their requests, the CCTA provided a breakdown from CITVC indicating specific programming genres and the percentage of the weekly programming schedule devoted to each. The information provided indicates that the nine services offer programming from a broad spectrum of genres and categories. Accordingly, the Commission is satisfied that the nine services are Chinese-language, general interest services and that the request to add these services would, in the normal course, be subject to the approach for such services set out in Public Notice 2004-96.

⁶ www.xinhuanet.com

B) Competitiveness concerns

77. Both Fairchild and Multivan raised competitiveness concerns with respect to their programming services, Talentvision and Channel M, respectively. It is the Commission's view that any impact that the addition of any of the nine Chinese-language services to the digital lists might have on Talentvision or on any other Canadian Chinese-language pay or specialty services is effectively addressed through the application of the provisions described in Public Notice 2004-96. Specifically, as part of its approach to the addition of non-Canadian, third-language, general interest services, the Commission stated that, where such a service offers 40% or more of its programming in any of the Cantonese, Mandarin, Italian, Spanish, Greek or Hindi languages, it may only be distributed to customers who also subscribe to the Canadian service approved under the analog licensing framework that operates in the same language. In addition, any broadcasting distribution undertaking wishing to distribute the non-Canadian service is also required to make available a general interest Category 2 service in the same principal language, provided that one has been launched. These rules were subsequently incorporated in the distribution and linkage rules for Class 1, Class 2 and direct-to-home licensees.
78. The Commission notes that Channel M is a television station based in Vancouver. While the Commission's current approach to the addition of non-Canadian third-language services to the digital lists does not specifically take into consideration the impact that the addition of any such service might have on television stations, it notes that as Channel M has priority carriage on cable systems in the Vancouver market, it is available to all cable subscribers who would receive the new Chinese-language services.
79. Based on the above, the Commission concludes that concerns related to the competitiveness of these services are not sufficient to warrant a departure from the approach for non-Canadian, third-language, general interest services set out in Public Notice 2004-96.

C) Program rights concerns

80. In accordance with the filing requirements for the sponsorship of non-Canadian services, the sponsor is required to obtain an undertaking from the non-Canadian service provider that it does not hold, will not obtain, nor will it exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada. CITVC has provided the Commission with such an undertaking for each of the nine services. Further, the original sponsor, CCTA, indicated in its submission that CCTV-4 has four program supply agreements with Canadian broadcasters (i.e., Fairchild Television, Talentvision, CJNT-TV and AATV Productions) and that "although the initial terms of the agreements have expired, all agreements automatically extend annually and continue to be in effect." The record indicates that the other eight sponsored services do not have program supply agreements in place with Canadian services. With the undertaking

provided for each of the services, and with assurances that program supply agreements remain in effect, the Commission has no reason to conclude that the providers of the nine services will withhold rights to their programming, should these services be added to the digital lists. In the event that services are added to the digital lists and subsequently fail to abide by their undertakings, it is open to the Commission to launch a proceeding to consider removing them from the digital lists.

81. The Commission concludes, in light of the above, that there are no concerns related to programming rights that would warrant a departure from the approach for non-Canadian, third-language, general interest services set out in Public Notice 2004-96.

D) Content concerns

1. Preliminary Issues

82. During the course of this proceeding, various parties filed news articles, photographs and reports containing allegations of atrocities committed by the Communist regime in China, of the CCP's alleged domination and manipulation of the Chinese media, and of the alleged use of these nine services as instruments of propaganda by the Chinese government. In assessing Rogers' request, the Commission's mandate and responsibility are to consider issues that relate directly to the sponsored services themselves, rather than the policies, alleged or not, of the government of the PRC.
83. In addition, the Commission notes that English-language news stories on Web sites such as cctv.com and xinhuanet.com do not comprise evidence as to content that has appeared on any of the sponsored services. Accordingly, the Commission will not rely on this information in its assessment of the nine Chinese-language services.
84. In its reply in phase two of the proceeding, Rogers stated that the Commission should limit its consideration of submissions to those provided by the few parties who actually filed evidence of the type noted Public Notice 2004-124-1, and that opposing submissions not providing such evidence should be disregarded. The Commission has considered all of the submissions made and accorded to each such weight as the Commission deems appropriate.
85. With respect to the documentary "False Fire," filed by the CIRS, the Commission notes that the evidence, which consists of edited excerpts with commentary made by an unknown third party, does not indicate whether the program was aired by any particular broadcaster. In the Commission's view, it is more appropriate to consider the evidence on the record of this proceeding as to what was actually aired by CCTV-4 in regard to the incident in question.

86. In the case of the videotape provided by Jin Jin, the Commission has concerns as to the authenticity of the evidence. CITVC stated that the story provided as evidence was not aired on CCTV-4, contrary to statements made by the submitting party. Further, there is English narration on the tape, which, based on the information on the record with respect to CCTV-4, appears unlikely to have been part of the original story if and when it aired on CCTV-4. In addition, the English transcript is not a certified translation as contemplated in Public Notice 2005-124-1. Given these concerns, the Commission has placed little weight on this evidence.
87. With regard to translations provided by submitting parties, CITVC stated in phase two of the proceeding that, while it did not want “to belabour the issue”, there were “glaring omissions of words that provide meanings that one must assume either the translators missed or the opposing parties did not find helpful.” The Commission notes that all of the video-taped material submitted by the parties opposing Rogers’ request was translated by the same translator, who was identified with a stamp indicating that the translator was certified by the Canadian Immigration and Refugee Board for Mandarin/English translation. As concrete evidence that omissions were made in the translation, CITVC provided what it referred to as an accurate translation of one videotape submitted by the FDAC (i.e., the news announcement of the Chinese government’s ban on Falun Gong). The Commission notes that CITVC did not assert that the translation it supplied was from a certified translator. In any case, the Commission did not find a significant difference between the two translations.

2. Eight of the services

88. In phase one of this proceeding, opposing parties raised various concerns with respect to the programming content of all nine of these Chinese-language services. As indicated above, statements were made, without video evidence or certified transcripts in support, alleging among other things that the services had aired programming containing abusive language to incite hatred against certain groups.
89. For example, in phase one, various opposing parties filed brief synopses with uncertified translations of news stories allegedly aired on all of the requested services, with the exception of CCTV Entertainment Channel. According to the parties in question, these stories were allegedly aired in 2000 (1 statement), 2001 (8 statements), 2002 (2 statements), 2003 (3 statements), 2004 (1 statement) and 2005 (1 statement). These synopses were of excerpts from news stories, filed without video evidence to provide the necessary context. In some cases, a link to the station’s Web site was provided in the submission, but the link in such cases proved invalid and did not lead to any further information. The Commission notes that neither the CCTA nor CITVC provided any specific response to this particular evidence.

90. In phase two of the proceeding, parties were asked to provide evidence to substantiate assertions made in phase one of the proceeding. With two exceptions, the only video evidence that was submitted in phase two related to programs or stories described as having been aired on CCTV-4, with all of the evidence (and related transcripts) consisting of CCTV-4 news or documentary programming aired on that service. The opposing parties did not file video evidence or certified translations, or any other concrete evidence, with respect to the other eight services.
91. Based on the record, it is unclear to what extent, if any, the other services acquire news programming from CCTV-4. However, based on an overall comparison of program titles drawn from the programming schedules of the nine services, the Commission concludes that the other eight services offer a programming schedule distinctly different from that of CCTV-4, without any apparent duplication or overlap with respect to specific programs. In particular, schedules provided from the nine services indicate that each of the services offers its own newscast (with the exception of CCTV Entertainment Channel, which does not contain any news). The programming breakdown on the record of the proceeding demonstrates that the amount of news programming on these services ranges from none on CCTV Entertainment Channel to 36% on CCTV-4, with the average amount of news on the nine services accounting for approximately 13% of the overall schedule. Consequently, the Commission considers that the opportunities for news sharing between CCTV-4 and the other services would be relatively limited.
92. With respect to the FDAC's suggestion that its submissions with regard to CCTV-4 can be "used as a proxy" for all nine services, the Commission notes that evaluating the other eight services in this manner would be contrary to its approach to the addition of non-Canadian services to the digital lists, which is to assess submissions and evidence provided by various parties with respect to individual sponsored services.
93. As noted above, the Commission stated in Public Notice 2005-124-1 that, given its approach that requests for the addition of non-Canadian, third-language, general interest services to the digital lists will generally be approved, it is incumbent on those parties seeking denial to make a persuasive case for such denial. The Commission also noted that most of the parties in phase one of the proceeding provided little or no evidence to substantiate their positions with regard to concerns over the content aired on these services, and that it was reopening the proceeding for the purpose of permitting the filing of concrete evidence in relation to the concerns expressed. The record of the proceeding provides no such concrete evidence with respect to services other than CCTV-4. It is the Commission's view that parties have had sufficient opportunity to provide substantive evidence to support content concerns pertaining to the other eight services, but have failed to do so.
94. Based on the record of the proceeding, the Commission considers that there is insufficient basis to conclude that eight of the nine Chinese-language services (i.e., services other than CCTV-4) have aired abusive comment.

3. CCTV-4

95. Canadian licensees, by regulation, are prohibited from broadcasting any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or 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.
96. The prohibition on abusive comment set out in the regulations gives effect to a number of basic policy objectives set out in section 3(1) of the Act. While the prohibition does not itself apply directly to non-Canadian programming services, the underlying policy objectives apply with respect to all programming broadcast in Canada, whether provided by Canadian or non-Canadian services.
97. Several parties filing submissions in opposition to the addition of these services argued that comments broadcast on CCTV-4 constituted abusive comment and were contrary to Canadian broadcasting policy.
98. The majority of the video evidence filed by parties arguing that CCTV-4 had aired abusive comment relates to the Falun Gong movement, and was taken from two time periods. The first period was in 1999, and the evidence provided included the on-air announcement by a CCTV-4 announcer that the Chinese government had banned Falun Gong in China (22 July). The video evidence also included five news stories of events that took place in the days that followed the announcement of the ban (aired on 9, 10, 11 and 13 August). The second period was in 2001, and the evidence filed included “The Self-Immolation Incident”, an episode from the CCTV-4 documentary program, *Focus Report* (aired 30 January). The evidence also included thirteen news stories of events that took place in the days and months that followed the incident (aired on 31 January and on 1, 3, 4, 10, 11, 12 and 17 February 2001).
99. The starting point for making a determination as to whether or not the evidence contains statements that constitute abusive comment, as defined in Commission regulations but applicable generally in the broader context of Canadian broadcasting policy, is a detailed examination of the statements themselves. The test for abusive comment has three components, each of which must be addressed:
 - Are the comments abusive?
 - Do the comments tend, or are likely to expose an individual or class of individuals to either hatred or contempt, in the context of the broadcast?
 - Are the comments based on race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability?

100. Turning first to the question of whether Falun Gong should be considered a protected group, in this case, a religion, the Commission notes that the FDAC, in its submission, refers to Falun Gong as “an ancient form of qigong, the practice of refining the body and mind through exercises and meditation and emphasizes not only physical cultivation, but also cultivation of one’s moral character in daily life according to the principles of truthfulness, compassion, and tolerance taught by Mr. Li Hongzhi, Falun Gong’s founder.” There are differing opinions as to whether or not Falun Gong is a religion, and many adherents of Falun Gong assert that it is not a religion.
101. In the Commission’s view, Falun Gong is sufficiently like a religion that it should be considered as such for the purposes of assessing whether or not comments on the record of this proceeding are abusive. In this regard, the Commission notes that decisions of the Immigration and Refugee Board and the Federal Court have considered Falun Gong a form of religion.⁷
102. The second question is whether the comments tend or are likely to expose a protected group to hatred or contempt. In the Commission’s view, the following statements would meet this criterion:
- A member of the public states, “We have to stand against Falun Gong and thoroughly cleanse such non-religious and anti-humanity cults from our society.” (CCTV-4 news story, 31 January 2001, CAP Exhibit 3).
 - Falun Gong’s founder, Li Hongzhi is described by a member of the public as “truly worthy of our hatred” because of his association with Falun Gong. (CCTV-4 news story, 4 February 2001, CIRS Exhibit 1).
 - A school founder states, “We are in deep hatred towards Falun Gong, including both its manipulator and organizer. We are in deep hatred of Li Hongzhi.” (CCTV-4 news story, 31 January 2001, CAP Exhibit 3).
103. The Commission considers that these comments are clearly abusive, in that they are expressions of extreme ill will against Falun Gong and its founder, Li Hongzhi. The derision, hostility and abuse encouraged by such comments could expose the targeted group or individual to hatred or contempt and, in the case of the first comment, the statement could incite violence and threaten the physical security of Falun Gong practitioners.
104. The Commission also notes further evidence of CCTV-4 news stories that it considers to constitute abusive comment. The most notable examples are two CCTV-4 news stories aired 9 August 1999 (CAP Exhibit 2, Parts 1 and 2). In these stories, the reporters each described an individual as “mentally ill” and in each case linked the cause of such illness to the subject’s association with Falun Gong. The certified transcripts of the two stories are appended to this public notice.

⁷ See I.D.E., (2002) C.R.D.D. No. 102, and *Yang v. Canada (Minister of Citizenship & Immigration)* (2001) 219 F.T.R. 169.

105. Each story focuses on a subject's questionable mental state, physical deterioration and family distress, then attributes the cause of all such troubles to the subject's alleged involvement with Falun Gong. In the Commission's view, such treatment invites the audience to view the subjects of the stories as inferior. The Commission considers that the repeated references in these stories to the subjects' alleged involvement with Falun Gong could foster feelings of contempt, not only for the individual involved, but for members of Falun Gong generally.⁸
106. In various CCTV-4 news stories concerning Falun Gong submitted as evidence, the Commission considers that some of the terminology used to describe Falun Gong and its practitioners also constitutes abusive comment. In the context of a news story, reporters, news readers, and interviewees such as medical professionals, teachers and/or ordinary citizens characterize Falun Gong as "anti-humanity, anti-science and anti-society" and repeatedly describe it as an "evil cult" or "evil doctrine," or as having a criminal and homicidal nature, in one case "extending its demon claw."
107. Comments such as these in a news program are not consistent with the Canadian public's expectation that news programming will provide factual and credible information and informed commentary on pertinent social, economic and cultural issues. These types of comments, made in the context of reporting news, are likely to render the targeted group more vulnerable to hatred or contempt.

Conclusion

108. Consistent with the Commission's approach to the addition of non-Canadian, third-language services to the digital lists, as set out in Public Notice 2004-96, the Commission **approves** the request by Rogers Cable Communications Inc. to add the following eight non-Canadian, Chinese-language services to the digital lists, thereby authorizing their distribution in Canada, and amends the lists of eligible satellite services accordingly:

The Satellite Channel of Southern Television Guandong
Southeast TV Station
Jiangsu International TV Channel
Beijing TV
CCTV Entertainment Channel
Dragon TV
China Yellow River Television Station
Hunan Satellite TV

⁸ The above stories are quite similar to the one in the CBSC ruling of a 2001 CCTV-4 story aired on Talentvision. This ruling and a videotape of the story in question were filed as evidence in this proceeding. In that ruling, the evidence consisted of a news story that tightly linked an apparently self-confessed murderer with his history as a Falun Gong practitioner. In its ruling, the CBSC stated, among other things, that "if in any news context, generally speaking, there were a link between any individual and a group or association, it would only be mentioned if it either assisted in identifying the individual in the mind of the public or established a causal relationship between the link and the event...the connection will not, however, be woven into every section of such a story."

109. With respect to CCTV-4, the service satisfies the criteria for authorization set out in Public Notice 2004-96. Moreover, as noted earlier, many parties who commented in this proceeding were of the view that the addition of these services could contribute in a positive way to the Canadian broadcasting system, for example, by adding program diversity, by enriching the lives of Chinese-speaking Canadians and by providing an avenue for Chinese-speaking Canadians to inform themselves of events and developments in China.
110. While, as noted above, the Commission has found several instances of the service broadcasting content that in its view constitutes abusive comment, these date back to 1999 and 2001, and there is no evidence of such instances aired by CCTV-4 since that time. The Commission is therefore unable to conclude that the offending stories aired in 1999 and 2001 are typical of the content currently aired on CCTV-4.
111. In light of all of the above, the Commission **approves** the request by Rogers to add CCTV-4 to the digital lists, thereby authorizing distribution of the service in Canada, and amends the lists of eligible satellite services accordingly. The Commission considers it unnecessary to impose specific conditions on its distribution in addition to those usually applicable to such services on such lists.
112. At the same time, the Commission notes CITVC's statements that the Great Wall Package (which includes CCTV-4) "obeys the laws of every country in which its services are broadcast and Canada will be no exception" and "will comply with the provisions of the relevant codes that govern Canadian broadcasters." The Commission will expect that the CCTV-4 service that will be distributed in Canada will be free of abusive comment.
113. Removal of a service from the lists of eligible satellite services authorized for digital distribution is a remedy that the Commission will be prepared to exercise if it finds that abusive comment has been aired on the service while it is distributed in Canada.
114. The lists of eligible satellite services are available on the Commission's Web site at www.crtc.gc.ca under "Industries at a Glance" and may be obtained in hard copy on request. The Commission notes that the distribution of these services is subject to the distribution and linkage rules that apply to third-language general interest services added

to the digital lists after 16 December 2004, as set out in *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2006-134, and *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2006-135, both dated 20 October 2006.

Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Public Notice CRTC 2006-166

Examples of certified transcripts of CCTV-4's news stories as supplied by Canadians Against Propaganda

News piece 1

CCTV-4 News

Aired on 9 August 1999

Subtitle: One Falun Gong practitioner in home, the whole family suffered

Reporters: Yongsheng Lai, Qiang He, and Xinyu Fu report

Footage: Haibin Liu's home

Anchor: He was so handsome at that time but he has totally changed since practicing Falun Gong in August 1994. He fought with his mother and wife over his practice and became mentally ill since 1997, making no sense when he spoke and he even said that his mother was not his real mother. On February 24th this year, he fell ill again, saying there was a demon that was chasing him. He had a crushed fracture on his lumbar bone and lower limbs paralysis after jumping from fourth floor of a building in Dalian. One will feel sad if you look at his rawboned body and dull eyes. Even worse, the suffering Falun Gong brought to him has to be born by the entire family.

Haibin Liu's mother, Ms. Jing Zhu (crying): (He) used to weigh 90 kilo. He was very healthy and looked very well, and only had some minor illnesses. But he is only 44 kilo now.

Haibin Liu's wife, Ms. Liwen Jia: We had a happy life with our son. However, it became like this. I worry about how others look at my son when he grows up. How could my son grow up healthy? I'm not sure whether or not my son accepts this when he grows older.

Haibin Liu's mother, Ms. Jing Zhu (crying): Li Hongzhi entrapped our whole family. How could (I) get on with the rest of our life?

Anchor: Liu Haibin doesn't speak anything all day long. Sometimes he seems normal, other times, he is insane. We can see tears in his red eyes while his mother and wife are talking and crying.

News piece 2

CCTV-4 News

Aired on 9 August 1999

Subtitle: “Falun Gong” Ruined the Happy Life of a Family

Reporter: Li Rongguo, Chen Xiaomei

Footage: Li Shufeng is holding a kitchen knife. Her husband and home.

Anchor: Our reporters were visiting Li Shufeng’s home, a former Falun Gong practitioner who has become mentally ill, when she took out a kitchen knife from underneath her bed. She was saying that Li Hongzhi asked her to cut her stomach for Falun. It would be another tragedy if she was not stopped in time. Sixty-one-year-old Li Shufeng lives on the 5th street, Changqu Township, Changping County, Beijing City. She had a happy family. She once ran a convenience shop with her husband, and earned ten thousands yuan a year. But after she started practicing Falun Gong in 1997, the family had their income decreased evidently, while Li Shufeng herself turned mentally ill.

Interviewing Li Shufeng’s husband, Mr. Song Pingli

Footage: interviewing Song Pingli

Song Pingli: She smashed things at home when she had the attack from her illness. She was in hospital twice but the doctors could not treat her. She did not cooperate, and neither did she take medicine. She kept the medication in her mouth after the doctor gave it to her. As soon as the doctor left, she spit it out. Falun Gong has hurt our family so badly. It is harmful to both the country and the people. In fact, it has damaged our family so badly.