

**OFFICE OF THE OMBUDSMAN, ENGLISH SERVICES  
ANNUAL REPORT 2005-06**

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## THE OMBUDSMAN'S REPORT

2005-06

It has been a very eventful half a year since I took over the position of Ombudsman. In fact, my tenure began slightly before time in the wake of the tragic death of my friend and predecessor, David Bazay. David exemplified the best traits of ombudsmanship: thoughtfulness, intelligence, even-handedness. I was lucky to have been able to spend some time with David, discussing the position, before his death. The Corporation truly benefited from his wisdom.

I should also note the wonderful work done by Laura Marshall, the assistant to the Ombudsman. Laura kept the office functioning in the wake of David's death and ensured that my entrance into the job was as seamless as possible. She has demonstrated the best traits of professionalism under very trying circumstances.

I began my work in the middle of the recent federal election, always a time of high tension and scrutiny. While there were the expected complaints from partisans, I benefited from the work of our Election Panels in providing insight into the CBC's coverage. As you will have seen from the separate reports, the panels, overall, found the CBC's election coverage to be within our Journalistic Standards and Practices. There were some useful suggestions for programmers in certain areas and guidance for me in elections to come—probably very soon.

The work was complicated somewhat by the more than 40,000 interventions directed to the election consortium from those who wished to have the Green Party participate in the election debates. My colleague Renaud Gilbert and I collaborated on a response to those who actually requested a review by the Ombudsman—a much smaller number. In fact, this review was done before I officially started. While we found that the debate format did not violate the CBC's Journalistic Standards and Practices, we did suggest that, with the evolving political landscape, new approaches should be considered to ensure that significant players have access to our airwaves in those special formats.

Another major event in the news in my new tenure was the arrival of a new government in Ottawa. This provoked a number of complaints from those who felt that the News Department was now tilting toward the new centre of power, and from those who felt that journalists were going out of their way to highlight negative aspects of the new government. This latter was exacerbated by two controversies surrounding graphics: one, a cartoon on the website which had been cropped in a way which appeared to show Mr. Harper giving a Nazi salute; the other a graphic on The National which appeared to juxtapose a picture of the new Prime Minister with the word "heil." In fact, what appeared in the graphic was a freeze-frame from a line of copy which contained the letters "hei" excerpted from the word "their." The

“hei” was followed by a cursor which was twice as high as the letters but was interpreted as an “I” by those who complained. Summaries of my reviews of these two cases follow.

We also received a significant number of complaints concerning two issues which many complainants saw as related: the rescheduling of “Prairie Giant” and the airing during the election campaign of a documentary entitled “Medicare-Schmedicare.” I dealt with the issues separately, as you will see in the Reviews section. While the scheduling of “Prairie Giant” was ostensibly outside my mandate, since most writers linked it to the running of “Medicare-Schmedicare” I felt obliged to give my thoughts on the scheduling issues.

In the earlier part of the fiscal year David Bazay dealt with several issues which were the subject of significant complaints, most notably what some writers felt was a lack of coverage of a rally in support of “traditional marriage.” The office also received a number of complaints about an interview which Michael Enright did with Fr. Richard Renshaw, a Catholic priest who revealed his homosexuality after the Church had issued guidelines relating to homosexuals and the priesthood.

Internally, and thanks to Laura Marshall, the office functions well, despite the volume of complaints received. In the fiscal year 2005-06 the Office of the Ombudsman dealt with 1,868 complaints, communications and expressions of concern, including 1,391 about information programming. In addition, we received 43,466 e-mails as a petition to encourage the broadcast consortium to include the Green Party in the federal election debates. During the year David Bazay and I conducted independent reviews of 40 complaints. An additional ten reviews were carried over into the new fiscal year.

In the coming months, we hope to expand certain aspects of our work: improve the website, provide easier access to the Ombudsman’s office, post most findings on the website for Canadians to read and begin some “outreach” activity. In the fall I will be speaking to a conference on Professional Ethics that is being held at Ryerson University, co-sponsored by the Ontario Privacy Commissioner. I will speak on the topic of Journalism and Privacy. It is my hope that I will be able to speak more frequently at various forums across the country. The CBC’s Journalistic Standards and Practices and its Ombudsman’s office are models of professional behaviour and deserve to be exposed as much as possible.

#### Recommendations:

- Improve public access to the Ombudsman’s website.
- Publish as many reviews as possible.

- Establish clear ground rules on privacy issues both in regard to complainants and CBC staff.
- Expand the visibility of the Ombudsman's office, perhaps including a regular column on the website dealing with issues of note.

Vince Carlin  
Ombudsman, English Services  
July 2006

## RAPPORT DE L'OMBUDSMAN

2005-06

Depuis maintenant six mois que j'occupe le poste d'ombudsman, il s'est passé beaucoup de choses. En fait, j'ai même endossé ces responsabilités plus tôt que prévu, en raison du décès tragique de mon ami et prédécesseur, David Bazay. Celui-ci incarnait les meilleures qualités d'un ombudsman : le sérieux, l'intelligence et l'impartialité. J'ai d'ailleurs eu la chance de passer un peu de temps avec lui avant sa mort à discuter du poste. La Société a réellement bénéficié de sa sagesse.

Je dois aussi souligner le travail exceptionnel réalisé par Laura Marshall, l'adjointe de l'ombudsman. Elle a continué à assurer le service au bureau après le décès de David, et a veillé à ce que mon arrivée à ce poste se passe le mieux possible. Elle a fait preuve d'un grand professionnalisme dans des circonstances particulièrement éprouvantes.

J'ai commencé mon travail au beau milieu des dernières élections fédérales, une période pendant laquelle règne habituellement une grande tension et où notre travail est surveillé de très près. Même si nous avons reçu les plaintes habituelles de partisans, j'ai pu profiter du travail de nos comités consultatifs de citoyens pour avoir un bon aperçu de la couverture effectuée par CBC/Radio-Canada. Comme vous aurez pu le lire dans nos différents rapports, les comités ont dans l'ensemble conclu que, durant la couverture des élections par la Société, les Normes et pratiques journalistiques avaient été respectées. Il y a également eu quelques propositions utiles pour les programmeurs dans certains domaines, et on m'a donné des conseils pour les prochaines élections, qui auront probablement lieu sous peu.

Le travail a été quelque peu compliqué par plus de 40 000 interventions adressées au consortium mis sur pied pour les élections et demandant que le Parti Vert puisse participer aux débats électoraux. Mon collègue Renaud Gilbert et moi-même avons rédigé ensemble une réponse aux personnes qui demandait à ce que l'ombudsman effectue un véritable examen, un nombre de personnes toutefois beaucoup plus restreint. En fait, cet examen a eu lieu avant mon entrée en fonction officielle. Bien que nous ayons conclu que le débat n'avait pas enfreint les Normes et pratiques journalistiques de CBC/Radio-Canada, nous avons toutefois proposé que, en raison du paysage politique en pleine évolution, on envisage d'autres méthodes pour nous assurer que des intervenants importants ont accès à nos ondes dans ce type d'émissions spéciales.

L'arrivée d'un nouveau gouvernement à Ottawa constitue un autre événement d'importance qui s'est produit pendant que j'assumais mes nouvelles fonctions. Cela a entraîné un certain nombre de plaintes de la part de personnes qui estimaient que le service des Nouvelles penchait désormais en faveur du nouveau pouvoir, et de la part

d'autres qui trouvaient que les journalistes insistaient trop sur les aspects négatifs du nouveau gouvernement. Ce dernier point a d'ailleurs été exacerbé par deux controverses entourant des images. La première portait sur une caricature versée dans un site Web qui avait été cadrée de manière à présenter M. Harper en train de faire le salut nazi, et la deuxième, publiée dans le *National*, semblait juxtaposer une image du nouveau premier ministre avec le mot « heil ». En fait, ce que l'on pouvait voir était un plan figé de la ligne d'un texte qui contenait les lettres « hei » provenant du mot anglais « their ». Le « hei » était suivi d'un curseur deux fois plus haut que les lettres qui a été interprété comme un « l » par les personnes qui se sont plaintes. Mon examen des deux cas est inclus ci-dessous.

Nous avons aussi reçu un grand nombre de plaintes au sujet de deux points que de nombreux plaignants pensaient être liés : le report de l'émission *Prairie Giant* et la diffusion pendant la campagne électorale d'un documentaire intitulé *Medicare-Schmedicare*. J'ai traité ces deux questions séparément, comme vous pourrez le constater dans la section consacrée aux examens que j'ai effectués. Même si la programmation de *Prairie Giant* était clairement en dehors de mon mandat, étant donné que la plupart des plaintes établissaient un lien avec la diffusion de *Medicare-Schmedicare*, je me suis senti obligé de me prononcer sur la question de la programmation.

Au début de l'exercice, David Bazay s'est occupé de plusieurs sujets qui faisaient l'objet de plaintes importantes, et notamment de ce que certaines personnes considéraient comme l'absence de couverture d'une manifestation en faveur du « mariage traditionnel ». Le bureau a également reçu un certain nombre de plaintes au sujet d'une interview que Michael Enright a réalisée avec le père Richard Renshaw, un prêtre catholique qui a révélé son homosexualité après la publication par l'Église de lignes directrices sur les homosexuels et la prêtrise.

À l'interne, et grâce à Laura Marshall, le bureau fonctionne bien malgré le volume de plaintes reçues. Au cours de l'exercice 2005-2006, le Bureau de l'ombudsman a traité 1 868 plaintes, communications et expressions de préoccupation, dont 1 391 avaient rapport à l'information. De plus, nous avons reçu 43 466 courriels à titre de pétition pour amener le consortium des radiodiffuseurs à inclure le Parti Vert dans les débats électoraux fédéraux. Pendant cette même période, David Bazay et moi-même avons effectué des examens indépendants de 40 plaintes, et dix autres examens ont été reportés au présent exercice.

Dans les mois qui viennent, nous espérons pouvoir élargir notre champ d'action dans certains domaines : améliorer le site Web, faciliter l'accès au Bureau de l'ombudsman, verser la plupart de nos conclusions dans le site Web pour que les Canadiens puissent les consulter et commencer à organiser des activités « publiques ». À l'automne, je participerai à une conférence sur l'éthique professionnelle parrainée conjointement par le Commissaire à la protection de la vie privée de l'Ontario qui aura lieu à

l'Université Ryerson. Je m'exprimerai sur le sujet du journalisme et du respect de la vie privée. J'espère être en mesure à l'avenir de participer à divers forums dans le pays. Les Normes et pratiques journalistiques de CBC/Radio-Canada et le Bureau de l'ombudsman constituent des modèles de comportement professionnel, et ils méritent d'être mieux connus du public.

### Recommandations

- Améliorer l'accès au site Web de l'Ombudsman.
- Rendre publics le plus d'examins possible.
- Établir des règles de base claires en matière de protection de la vie privée à la fois pour les plaignants et pour le personnel de CBC/Radio-Canada.
- Accroître la visibilité du Bureau de l'ombudsman, peut-être en rédigeant une chronique régulière dans le site Web qui traiterait d'enjeux notables.

Vince Carlin  
Ombudsman, Services anglais  
Juillet 2006

## **COMPLAINTS REVIEWED BY THE OMBUDSMAN**



**DAVID BROWN**

Program: CBC.ca

David Brown complained about a cartoon of Conservative Party leader Stephen Harper “showing the Nazi salute” which was on the CBC News: Online Canada Votes 2006 web page. He felt that it was offensive and distasteful.

The CBC’s Mary Sheppard explained that the small “promo square,” intended to draw attention to the site’s cartoon page, was taken from a larger cartoon depicting Mr. Harper and Liberal leader Paul Martin tossing children’s blocks at each other over their competing child care proposals. The artist inadvertently cropped the original cartoon in a way that showed Mr. Harper with his arm raised to throw the block.

**Review** (Carlin)

I could find no evidence of a rogue employee or a plan to embarrass Mr. Harper. However, I did find that the capturing of the image and its placement were not done with particular care or sensitivity. In the wake of Mr. Brown’s complaint, Ms. Sheppard assured me that images would be scrutinized to ensure that they did not warp the nature of the cartoon or lead to interpretations not justified by the material.

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**DR. JACK CHIVO**

Program: Radio and Television News

Dr. Chivo wondered if there had been a change in policy concerning the use of the words ‘terrorists’ or ‘terrorism.’ He said that previously the CBC Ombudsman had replied that the CBC would refrain from using such terms except in direct quotes. He said he was surprised to hear the “T” word being used after the bombings in London, including on an edition of CBC Radio’s BC Almanac.

The CBC’s Esther Enkin assured Dr. Chivo that there had been no change in the CBC news practice to use the words when they are attributed. The preference is to describe the act or individual and let the viewer or listener make his own judgment. The BC Almanac program he heard did not follow CBC News practice.

**REVIEW** (Bazay)

My over-riding concern is whether the information at issue conforms with reality and is not in any way misleading or false. When someone in CBC News strays from the long-standing practice and employs the T word without attribution I examine the facts and make the determination of whether the word has been employed accurately or not. Over time I have come across cases where the word has been wrongly used,

notably in stories involving attacks against soldiers. But, for the record, in all my years as CBC's Ombudsman, I have never found fault with any information program that accurately employed the words 'terrorist' and 'terrorism.'

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**DR. JACK CHIVO**

Program: News

Dr. Chivo felt that the language used in CBC's reporting on two incidents in the Middle East demonstrated the CBC's "double standards and its anti-Israel bias."

**REVIEW** (Bazay)

I invited Dr. Chivo to compare Adrienne Arseneault's reports on both incidents. While she quoted Ariel Sharon as describing the Israeli gunman as "a bloodthirsty Jewish terrorist" in her report on the August 4 incident, she also quoted Ariel Sharon's spokesperson as describing the Palestinian bomber as a terrorist in her report on the July 12 bombing at Netanya. Furthermore, the words "activist" and "extremist" appear in CBC News stories about extremism on both sides of the divide. You can be an activist in an extremist movement, in a militant group, in a group seeking social justice or in a neighbourhood campaign to combat noise, traffic and so on. It all depends on the context in which the word is used. That's also the case of words like "militant" and "extremist." An extremist can be someone who's simply against any compromise or it can be someone who resorts to violence to promote his or her cause. In other words an extremist can be a militant, someone at war, someone ready and willing to take up arms for the cause. And of course not all extremists are militants in this sense. So, in my view, these words were used both accurately and equitably in CBC's coverage that Dr. Chivo cited.

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**DR. JACK CHIVO**

Program: In Depth: Middle East (CBC.ca)

Dr. Chivo complained about the use of the word "moderate" to describe the new Prime Minister of the Palestinian Authority.

The CBC's Mary Sheppard responded that the word was used to delineate a relative position within Hamas.

**Review** (Carlin)

In various articles from both the so-called main-stream media and more partisan outlets on various sides of the Palestinian-Israeli question, Mr. Hamiyeh is noted as

being a “pragmatist,” a description that Ms. Sheppard used in support of the “moderate” label. However, in my reading, Mr. Hamiyeh was also referred to as fully supporting the aims of the bedrock of the Hamas movement, not of some “moderate” version thereof. Stories from this part of the world are fraught with difficulties for even the most fair-minded journalist. I did not find that there was any underlying bias or manipulation at work – only an attempt to describe relative positions on questions of intense emotional and political weight. However, I found that the attempt was not successful in this case.

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### **CARLOS COIMBRA**

Program: The National

Mr. Coimbra complained about the handling of an error in a graphic showing polling figures. Percentages for the NDP and the Bloc Quebecois were switched. Mr. Coimbra seemed to think that more was at play than typographical errors.

The CBC’s Jonathan Whitten apologized for the error, which was corrected for later editions of the program.

### **REVIEW (Bazay)**

While I found no evidence of some sort of anti-NDP conspiracy, I did agree that these were pretty dumb mistakes. I was sure the programmers were embarrassed enough to try to make sure it didn’t happen again.

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### **CARLOS COIMBRA**

Program: Canada Now

Mr. Coimbra complained that David Halton reported that an “Arab satellite network” had shown photos of Saddam Hussein in his underwear. He wrote: “There is a difference between the words Arab and Arabic, in that the first denotes race all on its own, whereas the latter is applied regarding language, for instance.”

### **Review (Bazay)**

It appeared to me that David Halton was using the word “Arab” the same way Arabs use it. A check of several Arab websites, including the League of Arab States, resulted in many references to the Arab world, Arab airlines, Arab banks and a satellite media organization known as the Arab Radio and Television Network.

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**HUGH CROSTHWAIT**

Program: The National

Mr. Crosthwait felt that Canadian connections to what has become known as the UN Oil for Food scandal had been omitted from The National's documentary about the scandal.

The CBC's Jonathan Whitten replied that reporter Terence McKenna was aware of the stories Mr. Crosthwait mentioned but considered the information to be inconsequential and/or unsubstantiated.

**Review** (Bazay)

The CBC's investigative journalists are not required to reveal, nor in my view should they be required to reveal, the subjects of their inquiries to me or to anyone other than their managers. However, it is evident that the oil for food affair is what journalists describe as a developing story wherein reports are broadcast once the information is verified according to CBC's Journalistic Standards and Practices.

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**AGOSTINO (GUS) DIMILLO, VERNA MILLIGAN, JEAN SYMES AND CAROL WODAK**

Program: Medicare Schmedicare (The Passionate Eye)

Mr. DiMillo and others complained about the documentary, Medicare Schmedicare, which they felt was "biased," "a propaganda piece," and lacked "basic journalistic standards."

The CBC's Eva Czigler responded that while it exposed the existence of a "two-tier" system, Medicare Schmedicare did not advocate such a system.

**Review** (Carlin)

Medicare Schmedicare was a provocative, even argumentative essay obviously designed to prompt people to consider alternatives to our current health care system. It clearly was not supposed to be an even-handed assessment of the system. It did fit within CBC's policy framework, which has specific provision for point-of-view documentaries. That being said, I thought there were shortcomings in relation to policy: Even a point of view documentary should acknowledge and state fairly views opposite. Also, some of the statements in relation to "two-tier" medicine were just not correct. I thought that the CBC producers of the series would have been better advised to label the piece more clearly so that all viewers understood what was being presented.

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**WIMAL EDIRIWIRA and ANANDA WIJESINGHE**

Program: CBC News Online – In-depth: Sri Lanka

Wimal Ediriwira and Ananda Wijesinghe complained that the in-depth feature about Sri Lanka was a “blatant distortion” of the country’s history.

The CBC’s Mary Sheppard replied that although Sri Lanka has a long and very rich history, they could only highlight a few aspects of it in the short space available for the article. “Even complex events and their significance must be conveyed quickly and clearly and, of course, fairly. Inevitably, that means things are left out and others simplified.”

**Review** (Bazay)

It seemed to me that what we had here was an example of what the British historian Timothy Garton Ash describes as memory wars, warring accounts of the past that he says will never end. As he put it in an article in *The Guardian*, “So long as there are historical memories, they will be contested memories.” As another historian told me, “As in other zones of conflict, history is a weapon and a shield in contemporary discourse, and often the subject of acrimonious debate. The difficulty is that there is normally no definitive conclusion or right answer to the matters being contested; they are ultimately issues of interpretation, preference and point of view.” I believed Mary Sheppard had provided an appropriate response.

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**ALICE FISCHER**

Program: Radio & TV News

Ms. Fischer complained that a news report talked about the “terrorist” attack in London but that radio news and *The National* never use the word to describe attacks in the Middle East.

The CBC’s Esther Enkin replied that it is CBC preference to describe the act or individual and let the listener make his own judgment. This particular report referred to the “silent remembrance of last week’s terrorist bombing.” It did not follow CBC News practice but should have.

**Review** (Bazay)

I have come to adjudicate complaints about the use of the T word on a case-by-case basis. When someone in CBC News strays from the long-standing practice and employs the T word without attribution I examine the facts and make the

determination of whether the word has been employed accurately or not. Over time I have come across cases where the word has been wrongly used, notably in stories involving attacks against soldiers. But I have never found fault with any information program that accurately employed the words ‘terrorist’ and ‘terrorism.’

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**MALCOLM FRENCH**

Program: The Current

Mr. French did not like the way The Current’s federal election political panel was being planned. He did not feel that Basil (Buzz) Hargrove should represent the NDP on the panel. “The events of the past week make it clear that Basil Hargrove is not a supporter of the New Democratic Party. Indeed, for the past ten years, he has been a consistent supporter of the Liberal Party in every federal and Ontario election.”

The CBC’s Pam Bertrand believed that Mr. French had misunderstood their intention. They invited “‘party rebels,’ those who have a partisan past – who have been closely associated with a party – but who more recently have stepped away from it” to be guest hosts and participate in two political panel discussions during the election campaign. She was comfortable that the views of the group were “considered, insightful, and indeed, balanced in the context of the election.”

**Review** (Renaud Gilbert, Acting CBC Ombudsman)

The Current had the right to choose any citizen to comment on public affairs and on political matters during an electoral campaign, so that, as stated in CBC’s Journalistic Standards and Practices, the “widest possible range of views is expressed.” Because Mr. Hargrove had not yet appeared on The Current, the complaint was untimely. The journalistic process of The Current did not violate the Corporation’s journalistic policies and standards.

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**ISHAY FRIEDMAN**

Program: The National

Mr. Friedman complained about a report that was introduced as follows: “US backs Israeli settlements in Palestinian territory.” He said that reporter Neil Macdonald also stated “something along the lines of the following: ‘Until now, the US never officially endorsed Israeli designs on Palestinian territory.’” Mr. Friedman wrote: “The statement ‘Palestinian territory’ implies that Israel took the territory from a Palestinian Arab state, which had ownership of these territories before the 1967 war.

This is not the case. Thus, the most accurate term for the territories is ‘disputed,’ not ‘Palestinian.’”

The CBC’s Jonathan Whitten replied, saying, among other things, that “in any conflict all sides use language in an effort to frame the issues to their advantage. The Middle East is no exception. It is CBC News’ practice to avoid such language in favour of words that are more accurate or factually descriptive of events.”

### **Review** (Bazay)

I thought Mr. Friedman’s analysis of the legal situation concerning the West Bank and Gaza was incomplete. For example, he did not seem to take into account the decision of Israel’s Supreme Court which, according to both Ha’aretz and The Jerusalem Post, ruled that “Judea and Samaria (the West Bank) and the Gaza area are lands seized during warfare and are not part of Israel.” My only other comment was that over time CBC News has made abundantly clear that the dispute over territory is central to this conflict.

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### **TOM HARRIS**

Program: The National

Mr. Harris complained about a story about cabinet ministers’ limousines left idling on Parliament Hill in violation of the government’s advice to citizens to stop idling their cars. He felt that the reporter’s interview with John Bennet of the Sierra Club of Canada raised this question: “Do you think it is appropriate that such coordination be occurring between our national broadcaster and a registered lobby group?”

The CBC’s David Walmsley replied that he did not think that this interview was inappropriate.”

### **Review** (Bazay)

Reporter Susan Bonner noticed that there was a story to tell here so she decided to invite one of the government’s critics on the issue, John Bennet of the Sierra Club, “to speak to me in front of the idling cars rather than in a sterile office.” Nothing scandalous about that. Making arrangements for an interview does not constitute “coordination” with a lobby group. This was a story about the gap between rhetoric and reality, about the gap between what the government preaches and what it practices. We heard from one of the government’s critics and we heard from some cabinet ministers caught with their limos idling. All in all, an enterprising, well-balanced story in conformity with CBC’s Journalistic Standards and Practices.

**K. J. HODGINS**

Program: The National

Mrs. Hodgins complained about a graphic on The National which juxtaposed the word “Harper” with what appeared to be the word “heil.” She and other complainants felt that it was a deliberate attempt to insult the Prime Minister-designate just after his election victory.

The CBC’s Tony Burman responded that the juxtaposition was entirely inadvertent. The graphic was part of a segment that tells viewers what they will see later on The National. A frozen frame showed the word “Harper” from an election sign, with accompanying video from a story about the Conservative election victory. Another story concerned “Campaign Confidential,” which was a regular feature on the program during the federal election campaign, and which always began with words being typed on the screen. In this case the video showed the words, “Finally, get their guy on track?” being typed on the screen. The frozen frame for that story contained the letters “hei” from the word “their,” followed by the cursor. Although the cursor extended above and below the line of type, it could be mistaken for the letter “I”. Mr. Burman apologized for not catching the error before the broadcast.

**Review (Carlin)**

I interviewed the participants in the chain of events, including the technician involved, and observed how the graphics are constructed, which is a rather complicated process. The graphic might not have been well constructed, but it was what it was: a “freeze” of three letters followed by a cursor twice the size of the letters preceding it. I could find no evidence of a plot by the technicians or producers to create a subliminal message through the graphic.

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**BROOKS KIND and DR. SHEILA ZURBRIGG**

Program: News

Brooks Kind and Dr. Sheila Zurbrigg complained about the CBC’s handling of their demonstration during the visit of President George W. Bush to Halifax in December, 2004. They felt that the CBC violated its journalism policy by failing to cover the demonstration in a manner they felt was worthy of the event, saying this had “the effect of suppressing evidence of democratic dissent.”

The CBC’s Tony Burman replied that CBC’s radio, television and internet news services covered the President’s visit – and the protests – from the time he arrived until after he had departed.



**Review (Bazay)**

What should be covered, how, and how much are questions that fall into the domain of editorial judgment. Such decisions may prove to be good or bad, but they do not in and of themselves constitute violations of CBC journalism policy. Given the amount of coverage on various CBC platforms I thought their allegation that the way certain programs handled this event amounted to ‘politically motivated censorship’ rang hollow. The views of Canadians concerning what President Bush described as the war on terrorism have been well documented by many CBC News programs. In this context the Halifax demonstration could hardly be considered a startling new development. That said, I did think this demonstration, large by Halifax standards, either merited mention, or as the case may be, better coverage on the major network newscasts later that day.

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**LEON KUSHNER**

Program: CBC News Online

Mr. Kushner complained about what he felt was an inappropriate photograph in the Middle East section of CBC’s website. The photo was captioned: “A man with a Palestinian flag lies in front of a bulldozer during a demonstration against the confiscation of Palestinian land for the construction of Israel’s separation barrier, near the West Bank town of Hebron on Tuesday, Feb. 1.”

The CBC’s Chris Augustin shared with Mr. Kushner the reply that Mary Sheppard, Executive Producer of CBC News Online, had sent to Mr. Dov Smith, Executive Director of HonestReporting Canada. She said that while the photograph focused on one aspect of the conflict, other aspects had been covered in past photographs and others still would be covered in future photographs.

**Review (Bazay)**

I thought that the photo should be viewed in the context of all the information provided about the Middle East on the CBC site. In my view the site provided enough information to enable its users to reach conclusions of their own about this conflict and thus respected CBC’s Journalistic Standards and Practices.

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**JONATHAN MAKEPEACE AND NICOLA STANFORD**

Program: The National

Mr. Makepeace and Ms Stanford complained about a report concerning allegations of poisoning of sheep owned by Palestinians. Mr. Makepeace felt the report was one-sided. Ms Stanford felt the report was unfair and not balanced.

The CBC's Jonathan Whitten replied that the focus of the story was not just on allegations of poisoning, but the increasing trend of settler harassment and violence, much of it directed at Palestinians, and the difficulties police have in dealing with it.

**Review** (Bazay)

The report gave voice to the views of the Palestinian farmers, the Jewish settlers and the Israeli police and thus respected CBC's Journalistic Standards and Practices.

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**LAURIE MCGOWAN**

Program: Writers & Co.

Mr. McGowan complained about Writers & Co.'s "incredible record of making Jewish stories their overwhelming choice for show content...Retelling the Holocaust story at such a high rate of repetition in light of modern day events borders on propaganda."

**Review** (Bazay)

I didn't know how Mr. McGowan did his sums, but they weren't equal to the facts. Writers & Co. was broadcasting a special series on the writers of Central Europe. Host Eleanor Wachtel informed me that one of the nine writers interviewed for the series was Jewish. Another, baptized as a Christian, ended up in a concentration camp. The series set out to explore the power of the written word in Central Europe in the aftermath of the Second World War, the Holocaust and the oppression of Communist rule. Not to Mr. McGowan's personal taste perhaps. But not propaganda. It was an exploration of the reality experienced by some of Europe's leading writers.

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**JUDITH MCKAY, DUPONT CANADA**

Program: Marketplace

Ms. McKay, Chief Administrative Officer of DuPont Canada, complained that Marketplace's report, "Something's in the Air," about perfluorooctanoic acid (PFOA) "contained several false and defamatory statements that are unfair to your viewers and harmful to DuPont and its business. Moreover, the CBC knew them to be false."

CBC's Senior Legal Counsel replied that the CBC did not share her view that this program contained false and defamatory statements.

**Review** (Bazay)

This story, and the situation it reflects, illustrates how difficult it is to make hard and fast conclusions about what might or might not be “misleading and inaccurate” about the effects of this chemical. While DuPont continues to say that PFOA exposure does not pose a risk to the general public, an Environmental Protection Agency science advisory panel has urged the agency, in a draft report, to list the chemical as a “likely human carcinogen.” Perhaps this dispute will be resolved by the ongoing investigations into the possible dangers into PFOA, including the community health study to be funded by DuPont as part of the outcome of the class-action lawsuit on behalf of the company's neighbours whose water was tainted by PFOA. Given these circumstances, and given my examination of Ms. McKay's complaint, I was not prepared to find fault with this report.

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**TERENCE MOONEY**

Program: The National

Mr. Mooney complained about two reports on The National. One item referred to an Amnesty International report that stated that “current policies being followed by the United States in its war against terror have set the course of international human rights back 50 years.” He said that since he was unable to find any such report on the internet this indicated a “rebuilding of AI reported words to adapt to a single biased and unfair conclusion.” A second report, about the contribution of the Canadian military in Haiti, used video of a US Air Force and/or Army helicopter and troops. “Therefore, it would appear that portrayal of the equipment and troops in the accompanying video was inaccurate and utilized in a biased attempt to demonstrate visually a strong Canadian commitment to the Haitian Relief.”

The CBC's Jonathan Whitten thought the first story fairly reflected the report's conclusions. He agreed that the juxtaposition of the story referring to Canadian Forces helicopters with video of an American helicopter may have been misleading, “but I can assure you that the juxtaposition was inadvertent and certainly not an effort to enhance the Canadian relief effort as you feared.”

**Review** (Bazay)

On his first point, the copy story accurately reflected the view Amnesty International expressed in a news release issued when its annual report was made public. On his second point, while this was a serious mistake, one that in my view required an on-air correction, I did not share his view that an editorial screw-up of this nature could be

qualified as a “biased attempt to demonstrate visually a strong Canadian commitment to Haitian relief.”

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**MATTHEW NICHOLS**

Program: The National

Mr. Nichols complained that “Stephen Harper didn’t face a single tough question in the one-hour Your Turn segment. There were absolutely no direct questions about his socially conservative positions that are the reason so many Canadians won’t vote for them.” He also felt that Peter Mansbridge was more “adversarial” with Paul Martin than he was with Stephen Harper.

The CBC’s Jonathan Whitten replied, in part: “One of our objectives in deciding which questions to pose was also to find some questions that were fresh and had not been asked repeatedly during the campaign.” He stated further that the mix of questions was similar to that offered Mr. Martin.

**Review** (Carlin)

Overall, the questions asked from the floor were appropriate and led to useful information being disclosed. I spoke with a sampling of people from several of the sessions and all said that they were free to ask the question they wanted to ask. It appeared to me that Mr. Layton and Mr. Martin more frequently reverted to “message track” than did the other leaders, with the result that Mr. Mansbridge intervened more frequently with them. Mr. Harper, perhaps with the benefit of being last in the cycle, chose to deal with the questions that were posed, reverting less frequently to non-responsive responses. It is true that certain subjects were not dealt with, but this applied to all the leaders. It appeared to me that a fairly wide range was covered in the time available. I tried to detect evidence of bias by way of expression or tone, but concluded that Mr. Mansbridge maintained a virtually identical demeanour towards each of the candidates and did not become either more friendly or more hostile by word or glance. It appeared to me that the Your Turn segments met CBC’s Journalistic Standards and Practices and, in fact, provided a useful adjunct to the coverage of the campaign, and a valuable insight into the leaders’ thinking.

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**NOOR NIZAM**

Program: The National

Noor Nizam complained about a documentary prepared by Carol Off concerning the large sums of money raised by NGOs and aid agencies to help those affected by the

tsunami in December 2004. He listed what he called “lies” and asked that CBC tell the “true story” and the “real situation” of the victims and their need for help.

The CBC’s Jonathan Whitten told Mr. Nizam that Carol Off was returning to the affected area to do further work on the story.

**Review (Carlin)**

While Mr. Nizam may not have agreed with some of the views expressed by some of the people interviewed for the first documentary, it appeared to me that Ms. Off met fully the demands of CBC’s Journalistic Standards and Practices. Her obligation was to give a reasonable summary of views on the topic. I believe she did that. I noted that many of his concerns were raised in the second documentary. It would appear that the best way for journalism to “help” anyone is to conduct full and fair reporting.

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**GEOFFREY POUNDER**

Program: The World At Six, CBC Radio

Mr. Pounder complained about a CBC Radio report about Venezuela. “Chavez may or may not be the villain the CBC makes him out to be. But the CBC’s presentation is so dubious that it is impossible for listeners to form their own judgment.”

The CBC’s Jamie Purdon replied that all of the reports filed before and after the Venezuelan referendum vote “would have conveyed a great deal of information and the voices of a number of Venezuelans – both those who support Mr. Chavez and those who do not – to CBC listeners including some of the detail you feel was missing in the August 27 report.”

**Review (Bazay)**

While it is true that program balance can and should be best determined over time, and while I found overall coverage to be pretty well balanced, I did agree that there was some merit to Mr. Pounder’s complaint. The report gave voice to one of President Chavez’s supporters and to two of his critics, including the priest/sociologist cited at the very end of the item who described President Chavez as “a tropical Milosovec,” and accused him of destroying Venezuela’s democracy. I shared Mr. Pounder’s view that in fairness the president or one of his supporters should have had the opportunity to respond.

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**DENIS SALTER**

Program: Medicare Schmedicare/Prairie Giant: The Tommy Douglas Story

Mr. Salter and many others wrote to complain about the CBC's decision to postpone the scheduled January airing of the drama about Tommy Douglas but to broadcast a documentary about medicare during the federal election campaign.

The CBC's Eva Czigler replied: "It is our belief that to broadcast a major biographical program series about a man closely identified with one political party and one set of views seven days before the federal election would risk giving the appearance of bias... Medicare Schmedicare is a current affairs program that offers credible information about 'two-tiered' Medicare, one of the central and most controversial issues in recent elections. It is exactly the kind of insightful examination of election issues that Canadians expect of their public broadcaster."

**Review** (Carlin)

Although it did not really fit under the mandate of the Ombudsman, I felt that the rescheduling of the mini-series to a timeslot outside the election period appeared to be an appropriate decision. Although many complainants wished to link the rescheduling of Tommy Douglas and the appearance of Medicare Schmedicare, my review found no grounds for that. These were decisions made by two separate program streams for different reasons. In regard to the documentary, journalism, even long-form pointed journalism, does not stop just because there is an election on. So proceeding with a documentary on this important topic was not outside the bounds of CBC policy.

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**ROY SANTIN**

Program: The National

Mr. Santin suggested that Rex Murphy's "podium is not a carte blanche podium to promote his personal self-serving program of greed and political bias."

**Review** (Bazay)

Rex Murphy's contributions to The National are clearly identified as commentary. The CBC engages commentators to pass judgment on public affairs. As the CBC policy book states, "the CBC does not adopt as its own the opinions of those commentators whom it invites to articulate the various shades of current opinion on a given subject." It was clear that Mr. Santin disagreed with Mr. Murphy's opinions, but he provided no evidence to support his allegation that "financial profit is fueling his rants."

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**HERBERT SIEFER**

Program: The Current

Mr. Siefer complained about interviews conducted by guest host Deborah Gray with David Frum and former US ambassador Gordon Giffin on December 16, 2005. They discussed issues that arose from a speech given by the current US ambassador, David Wilkins. Mr. Siefer complained that “the end result is that the CBC...provided free country wide anti-current-government advertising during an election campaign which can only be looked upon as gross interference in an unfolding democratic process.”

The CBC’s Pam Bertrand replied that although she was “somewhat surprised at the degree to which David Frum and Former Ambassador Giffin share common ground on this issue...” she felt that their differences “made for an interesting discussion.”

**Review (Carlin)**

I found that the interview relating to the Wilkins speech was not well prepared. In the context of the item, we were left with three people fundamentally agreeing with each other without any substantive reflection of the policy or views of the main actors, the Prime Minister and his government, or even an analyst with a different perspective on Canadian/US relations. That wasn’t fair. Coming in the midst of a federal election campaign only added to the problem.

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**DAVID ALEXANDER, DAVID FISHER, TIM LANDRY, THOMAS LEVY, RICHARD & BEATE MANSFIELD, PETER ROSENTHAL, TIM SAWLOR, ROBERT STE CROIX, MARC WENGER**

Program: Leaders’ Debates, Election 2006

Many people complained that the leader of the Green Party had not been invited to participate in the leaders’ debates during the federal election campaign. Editor in Chief Tony Burman responded that the consortium of broadcasters decided to invite only the leaders of the four most prominent parties but that CBC had devoted considerable time and energy to covering the Green Party. Those named above were not satisfied with Mr. Burman’s response and requested an independent review.

**Review (Vince Carlin, Ombudsman – English Services, and Renaud Gilbert, Ombudsman – French Services)**

As a media organization, CBC/Radio-Canada enjoys freedom of the press. The leaders of political parties are not obliged to participate in media-organized debates. Party leader debates during election campaigns are the result of negotiations between media organizations and political parties. Failure to include the leader of a registered

party in a televised debate does not per se violate the principle of fairness. Consequently the complaint was rejected. However, the ombudsmen would urge CBC/Radio-Canada news programmers to examine the terms of participation of party leaders in televised debates in light of changing formats, as well as the evolving political and social environment. The entire review may be found in Appendix I.



## **APPENDICES**

## APPENDIX I

### **REVIEW**

Party Leaders' Debates during the 2006 Federal Election Campaign

Aired on Télévision de Radio-Canada on December 14, 2005

Aired on CBC Television on December 15, 2005

A Broadcasting Consortium has agreed to organize and televise on its member networks a series of debates between various party leaders running in the current federal election campaign. The Consortium comprises Canada's main English - and French - language broadcasters: CBC/Radio-Canada, TVA, CTV and Global. This approach encourages political parties to take part in the debate, while giving the event wider exposure.

To date, a total of 13 political parties have officially registered with the Office of the Chief Electoral Officer (Elections Canada). However, only four were asked to appear in the Consortium debates : the Liberal Party of Canada, the Conservative Party of Canada, the New Democratic Party, and the Bloc Québécois.

The nine other parties were not invited, including the Green Party of Canada, which garnered 582,247 votes in the June 2004 election. Green Party supporters, along with citizens concerned about the democratic process, protested this exclusion. They argued that the Green Party obtained 4.3% of the vote in the last election, making it the only other party in addition to the four with MPs in the House to qualify for public funding as a result of crossing the 2% vote threshold. On January 23, 2006, it will be fielding candidates in all 308 ridings across Canada, unlike the Bloc Québécois, which is only running candidates in Quebec. Polls also point to the party's growing popularity with the electorate. Finally, and most important, some voters feel that the Consortium's approach unduly favours the established parties, depriving up-and-coming parties of a forum to express new ideas. Consequently, they consider it undemocratic for the Green Party leader to be excluded from the televised debates.

The Broadcasting Consortium explained its decision as follows:

The decision about who is invited to participate in the leaders' debates is made by Consortium members on editorial grounds. In this election, the Consortium has only invited the leaders of the four most prominent parties with representation in the House of Commons.

In its reply to complainants, CBC/Radio-Canada stated that the leaders' debates were not its own productions but those of the Broadcasting Consortium, which had made

an editorial decision. Moreover, the Corporation reminded complainants that Canadian Radio-television and Telecommunications Commission (CRTC) guidelines require broadcasters to provide equitable—but not equal—treatment of political parties. It also stressed that the Green Party received extensive coverage on its networks.

The complainants insisted that the case be reviewed by the Ombudsman.

## **Ombudsman’s Review**

The Ombudsman’s mandate is to determine:

*... whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's journalistic policies and standards.*

(available at [www.cbc.radio-canada.ca/accountability/ombudsman.shtml](http://www.cbc.radio-canada.ca/accountability/ombudsman.shtml))

### 1. Legislation and Regulations

The *Canada Elections Act* in no way obliges a leader of a registered political party to participate in a broadcaster-organized debate: his/her participation is entirely voluntary. In other words, organizing a televised debate involves negotiations between the broadcaster and the various parties contesting the election. The parties play a decisive role in fact: if there is no agreement, there is simply no debate.

Nor does the *Canada Elections Act* oblige a broadcaster to organize a debate among leaders of recognized political parties during an election campaign. Furthermore, if a broadcaster does decide to organize such a debate, the *Act* does not require it to invite the leader of each official party.

At one time, CRTC regulations did oblige a broadcaster to “feature all rival parties or candidates” in debate programs. Following a legal challenge, the Court ruled that the debates were not of a partisan political nature. Consequently, the CRTC eventually removed this obligation (Public Notice 1995-44), citing freedom of the press and, by extension, freedom of the broadcaster.

Incidentally, it follows from this that if a party leader were to refuse to appear on a debate program organized by a media organization, the debate could not be cancelled on legal or regulatory grounds.

In the CRTC’s *Guidelines for Broadcast Licensees*, the principle of fairness is a recurring theme:

From this right on the part of the public to have adequate knowledge to fulfill its obligations as an informed electorate, flows the obligation on the part of the

broadcaster to provide equitable—fair and just—treatment of issues, candidates and parties. It should be noted that “equitable” does not necessarily mean “equal,” but, generally, all candidates and parties are entitled to some coverage that will give them the opportunity to expose their ideas to the public.

With regard to organizing debates, the CRTC states that broadcasters:

will have satisfied the balance requirement of the *Act* if reasonable steps are taken to ensure that their audiences are informed on the main issues and of the positions of all candidates and registered parties on those issues through their public affairs programs generally.

## 2. CBC/Radio-Canada’s Journalistic Policy

The public broadcaster has a journalistic policy called *Journalistic Standards and Practices* (JSP, available on the Ombudsman’s website).

This policy recalls that “freedom of the press is a cornerstone of our society” (JSP, Preamble). This freedom is more than just the freedom to print. It is also the freedom of a media organization to cover the topics it chooses with the people it chooses, commonly known as editorial freedom. As a media outlet, CBC/Radio-Canada is free to air or not to air an election debate, and free to decide who will participate in it. On this basis alone, the Ombudsman could reject the complaint.

The JSP does not specifically cover the issue of leaders’ debates during election campaigns. But when news management decides to televise a debate, the standards guiding the production and broadcast of news content apply. For example, the *Journalistic Standards and Practices* state that:

Trust in the media is of crucial importance. An increasingly sophisticated public makes heavy demands on the media while at the same time expecting the highest standards of performance... The broadcast media in particular have an obligation to be fair, accurate, thorough, comprehensive and balanced in their presentation of information. (JSP, Preamble, 2)

The full exchange of opinion is one of the principal safeguards of free institutions. (JSP, III, 1)

A journalistic organization, to achieve balance and fairness, should ensure that the widest possible range of views is expressed. (JSP, III, 4.2)

Faced with the possibility of a general election in spring 2005, Consortium broadcasters held a first round of discussions on the joint organization of the leaders’ debates. The question of the Green Party’s involvement was raised during the

discussions, and the Consortium decided to limit participation to the “four most prominent parties with representation in the House of Commons.”

For the current set of debates, broadcasters have already reached an agreement with the political parties. CBC/Radio-Canada can hardly refuse to carry any of these debates: it is performing a public service simply by showing the democratic process in action.

A party leaders’ debate during an election campaign isn’t just a routine event: history has shown that these debates are among the most closely followed election activities, serving not only to enlighten voters but also to influence their decisions on polling day.

That is why it is important for Canada’s public broadcaster, with its focus on serving citizens and promoting a diversity of viewpoints, to advocate the inclusion of as many registered parties as possible in leaders’ debates. Where applicable, CBC/Radio-Canada should publicize its selection criteria and explain how it applied them.

But when the number of registered parties starts to grow, so too do the logistical challenges. A televised debate between the leaders of two political parties is a simple affair. But how many leaders can take part in a debate before it becomes a meaningless exercise? If it is in the public interest to organize a debate among the leaders of all political parties, will a debate between 13 party leaders necessarily interest the public? One of the goals of these TV debates is to reach as many voters as possible. Where do you draw the line? You obviously have to consider the relative weight of each competing party, while bearing in mind that the major political parties may refuse to partake in televised debates that give fringe parties equal visibility. The format of the first debate in this campaign was established in order to deal with the perceived drawbacks of previous debates. So it is evident that different formats can be found to deal with different situations.

Many criteria can be put forward by a broadcaster in trying to reach a consensus. Representation in the House of Commons is a criterion that has the merit of respecting the democratic will of the majority, and is thus indisputable. Perhaps an initial debate should be held among parties having elected MPs, with a separate one organized for those that do not.

Percentage of the popular vote in the previous election is another criterion that reflects the will of the people and is also indisputable. But it is based on a situation that may have changed over time and, above all, raises the question of what constitutes a “meaningful” percentage: 5%? 1%?

A party's eligibility for public funding might be considered as well, since Parliament legislated that a party had to obtain at least 2% of the popular vote to qualify (s. 435 of the *Canada Elections Act*).

The number of candidates in a current general election is a factual criterion. A party that presents candidates in all 308 ridings demonstrates a larger base than a party that presents candidates in only a handful of ridings.

Poll results are another possible criterion, one that reflects recent public opinion; but a poll's methodology can always be challenged and a party's standing may fluctuate widely during an election campaign.

So there is no easy solution. The Consortium's decision is based on the *Elections Act*, which provides for a first-past-the-post voting system rather than a proportional one. As long as this situation persists, smaller parties will have a hard time electing their candidates to the House of Commons and, consequently, being invited to appear in the televised leaders' debates. Should we wait for the electoral system to change?

While the debate structure does not appear to violate CBC/Radio-Canada's *Journalistic Standards and Practices*, the evolving political environment might suggest that alternatives to the current structure be considered. The prospect of minority governments and the emergence of alternatives to the national parliamentary groups—such as the Green Party, and even regional parties like the Bloc Québécois (or the former Reform Party)—would seem to call for a re-examination of the ground rules for televised national debates.

While the Consortium has been invaluable in bringing debates to the widest possible audience during a general election, and CBC/Radio-Canada's own programming has supplemented that with extensive and equitable coverage of political affairs, news and current affairs programmers may find it advisable to develop new strategies for dealing with election period debates that reflect the full spirit of CBC/Radio-Canada journalistic policy.

At the same time, it should be remembered that election campaign coverage is not limited to organizing party leaders' debates; it encompasses numerous other aspects, such as presenting party platforms, introducing candidates, and reporting on campaign activities.

On the issue of fairness, the policy states that:

The information reports or reflects equitably the relevant facts and significant points of view; it deals fairly and ethically with persons, institutions, issues and events (JSP, III, 2).

With regard to balance, it further states that:

CBC programs dealing with matters of public interest on which differing views are held must supplement the exposition of one point of view with an equitable treatment of other relevant points of view. Equitable in this context means fair and reasonable, taking into consideration the weight of opinion behind a point of view, as well as its significance or potential significance (JSP, III, 5).

Insofar as certain parties are not represented in the leaders' debates, CBC/Radio-Canada must endeavour to make up for this in the rest of its election coverage, by gauging the relative weight of opinions, as well as their real and potential impact. Only then can election coverage be considered truly fair. Hence the importance of looking at the bigger picture.

When citizens deem that these standards have not been upheld, they may file a complaint with the Ombudsman.

## **Conclusion**

As a media organization, CBC/Radio-Canada enjoys freedom of the press. The leaders of political parties are not obliged to participate in media-organized debates. Party leader debates during election campaigns are the result of negotiations between media organizations and political parties.

Failure to include the leader of a registered party in a televised debate does not per se violate the principle of fairness.

Consequently, the complaint is rejected.

However, the ombudsmen would urge CBC/Radio-Canada news programmers to examine the terms of participation of party leaders in televised debates in light of changing formats, as well as the evolving political and social environment.

Vince Carlin, Ombudsman – English Services  
Renaud Gilbert, Ombudsman – French Services  
CBC/Radio-Canada  
January 5, 2006

## APPENDIX II

### INDEPENDENT ADVICE PANELS

The Office of the Ombudsman organized three panels of citizens to assess the accuracy, fairness and integrity of CBC information programming during the federal election campaign. We encouraged panelists to read Chapter III of the CBC's *Journalistic Standards and Practices*, with emphasis on the section about balance, and asked them to consider the following questions:

Are the programs reflecting equitably the relevant facts and significant points of view expressed during the campaign?

Are the programs dealing fairly and ethically with individual politicians, political parties, election issues and events?

Is election coverage truthful, not distorted to justify a conclusion?

Is coverage in any way misleading or false?

The panels are organized for the benefit of CBC programmers, senior managers and members of CBC's Board of Directors, who are provided with the full panel reports. The Ombudsman's annual report features brief excerpts of the panel findings.

### CBC Radio News (World Report)

#### THE PANEL

Beth Haddon, Consultant, Senior Lecturer, UBC School of Journalism, Vancouver (Chair)

Janet Buckmaster, Consultant, Lecturer, MacEwan College Voluntary Sector Management Program, Edmonton

Pierre Avard, Architect, Toronto

Charles Bury, Newspaper Editor (retired), Vice Chair CAJ, Sherbrooke

Anne Warner La Forest, Professor and Former Dean, Faculty of Law, UNB, Fredericton

“Overall, the Independent Ombudsman's panel is unanimously of the view that CBC Radio News met the three CBC principles of public service journalism in terms of accuracy, integrity and fairness as set out in the Journalistic Policy Book.



There was, however, another overall conclusion reached by the panelists. It can be described as a 'disappointment' in the radio news coverage. There was a kind of malaise to the coverage; a lack of enthusiasm for the story. This may be more of a programming comment than a journalistic standards comment but it was a recurring theme.

There was a consensus that far too much reporting focused on 'following the leaders' and the 'horse race' with an excess of sports metaphors and war metaphors.

In general the panel concluded that what was covered was covered equitably. There was, however, a sense that much relevant information and analysis was not conveyed and this may have been due to the 'follow the leaders on the campaign trail' approach to the coverage.

However, the panel was unanimous in concluding that CBC radio news coverage was somewhat limited, lacking in depth and analysis, with a tendency to report overly what the mainstream leaders had as their agendas at the expense of what the panelists saw as 'the public agenda.' This limitation came to be referred to as 'the sin of omission.'

There were many subjects of considerable importance that were not covered: electoral reform, women representatives in the House of Commons, foreign affairs (apart from the US and I think only because the US ambassador threw the media a catchy story) and the environment.

One panelist noted how little coverage was given to 'fringe parties.'

The panelists applauded the CBC policy on reporting polls but at the same time felt that some timely analysis of the polls was lacking on radio. Reference was made to the approach taken by CBC Television whereby they provided roundups of the poll result with some explanation and analysis of that.

It was agreed that overall CBC radio coverage of the election dealt fairly and ethically with people and issues. No panelist believed that CBC radio consciously supported one party over another, though one panelist expressed the view that Martin did not 'get a fair shake.' This question came to be interpreted to be about bias and some panelists felt that post holiday coverage appeared biased in favour of the Conservatives. One panelist calculated that before Christmas newscasts tended to lead with Liberal stories and after Christmas with Conservative stories.

Another area where panelists raised questions about bias had to do with gender bias in the number of male reporters compared to female and in the language used in the reports...The political reporting during World Report incorporated numerous

examples of both masculine language and masculine metaphors. To this panelist (female) the language used was frequently not gender neutral or inclusive to women.

The coverage was generally truthful, and credible. In fact the panelists believe CBC to offer the most credible political coverage available.”

## **CBC.ca**

### **THE PANEL**

Mario Cardinal, Journalist, writer, and former Ombudsman, Radio-Canada, Montreal (Chair)

Noreen Golfman, Associate Dean of Graduate Studies, Memorial University, St. John’s

Ashif Mawji, Chief Executive Officer, Upside Software Inc., Edmonton

Brock Pitawanakwat, Assistant Professor of Indigenous Studies, First Nations University of Canada, Regina

Lindsey Richardson, Policy Analyst, City of Vancouver

“On the whole, the members found the CBC.ca coverage was adhering to the principle of accuracy. Nevertheless, there were some negative notes. A member found fault with the titles, ‘with the practice of writing stories under a particular title, but having the story deviate significantly from the topic covered in the title.

Three members noted that, as of the first week of January, there had been a shift of the coverage, directly generated by widespread reporting of poll results that put the Conservatives ahead for the first time. According to them, ‘CBC.ca started to “sound” more enthusiastic about everything, excited about the prospect of instability in the race and a possibly dramatic outcome.’ This shift was carried over up to Election Day.

Three members found that the weakest page was the ‘Cheat Sheet’ that was on the site on the weekend before the elections: ‘a poorly and possibly hastily written column that was designed to offer last minute tips and summaries to those “cramming” before going to the ballot box,’ said a member. ‘Was this page really necessary? In a way, it threatened to undermine all the good work the site had produced for 56 days.’

Was the election coverage truthful? ‘For what it covered, it was ‘truthful,’ said a member. But this is a difficult word to respond to fully. One could argue that there are stories CBC.ca did not go after or pursue, thereby falling short of the full truth.’

‘Generally quite fair,’ was the comment from the members of the panel. ‘My strong impression from the daily tracking of the content of the stories is that all parties were covered and that points of view were allowed rebuttal and counter views, said one of them, giving a lot of credit to the “Reality Check” column.

One member of the panel did a tremendous job in developing an ‘unscientific’ but nevertheless very useful method for measuring whether or not coverage on any given day was balanced. The conclusion: the deviation from balance in the overall coverage and tone at the beginning of the campaign occurred for the Liberal and Conservative parties, was somewhat rare, but was generally skewed to favour the Liberal Party. By the end of the campaign, there was a notable skew in favour of the Conservative Party. The time of that shift correlates to the shift in favour that was demonstrated by the polls.”

## **CBC Television (The National)**

### **THE PANEL**

Christopher Dornan, Director, School of Journalism and Communication, Carleton University, Ottawa (Chair)

Brent Butcher, Student, 3<sup>rd</sup> year Bachelor of Journalism (Honours) Program, University of King’s College, Halifax

Tung Chan, District Vice President, TD Canada Trust, board member of community organizations, Vancouver

Todd Hirsch, Chief Economist, Canada West Foundation, Calgary

Enn Raudsepp, Director, Department of Journalism, Concordia University, Montreal

“The Panel was unanimous in its view that the CBC’s coverage was overall fair, even-handed, balanced and professional. There may have been instances in which a particular party, leader or candidate received coverage that was contestable or unjustified, but these were few and isolated. The Panel saw no systemic features of the coverage that betrayed a partisan leaning or that favoured or disadvantaged any particular position. It is true that the Green Party, for example, received less coverage than the more established parties, but the realities of covering a national campaign preclude simply apportioning each of the parties equal time. In the case of the Greens, the Panel found that *The National* was conscientious in including the party in its coverage.

In particular, the two Western Canadian members of the Panel allowed that in the West the CBC is often seen as more representative of central Canada, and indeed in some quarters is perceived as being tainted with a liberal or Liberal bias. Both panel members, however, saw little in *The National*’s election coverage that would support

such perceptions. On the contrary, the efforts to represent all regions of the country and the various ideological positions of the major parties contesting the election were manifest.

The Panel detected Stephen Harper and the Conservatives receiving a softer ride from reporters than Paul Martin and the Liberals, who, as the campaign progressed, were portrayed as increasingly hapless and desperate. However, this dynamic in the coverage was not imposed on the campaign by the media. Rather, it was in the main a faithful reflection of how the contest was unfolding.

The Panel found that *The National* did a good job of representing a range of opinion from across the country. However, the demographic constitution of the nation has undergone quite remarkable change over a short period of time and the Panel wondered whether new Canadians were not underrepresented when the views of the public were solicited.

There was praise for the 'At Issue' panel, in particular for its two regular members, Chantal Hébert and Andrew Coyne, and for Peter Mansbridge's deft hand at guiding the panel. Third members of the 'At Issue' panel were selected so as to balance regional viewpoints."

2005-2006

**NUMBER OF COMMUNICATIONS RECEIVED**

	<b>INFORMATION PROGRAMMING</b>	<b>GENERAL PROGRAMMING</b>	<b>TOTAL</b>
<b>2005-2006</b>	<b>1391</b> <b>(+ 43,466 Green Party petition)</b>	<b>477</b>	<b>1868</b>
2004-2005	1809 (included 1077 re Green Party & debates)	241	2050
2003-2004	1590	326 (+239 Cherry)	2155
2002-2003	1273	376	1649
2001-2002	582	442	1024
2000-2001	597	537	1134
1999-2000	702	362	1064
1998-1999	462	422	884
1997-1998	348	356	704
1996-1997	216	227	443
1995-1996	221	65	286

## AVERAGE RESPONSE TIMES

Programmers are asked to respond to complainants within 28 calendar days

	<b>RADIO</b>	<b>TV</b>	<b>CBC.ca</b>	<b>AVERAGE</b>
2005-2006	28	22	19	23
2004-2005	24	25	17	22
2003-2004	21	12	12	15

## **MANDATE OF THE OFFICE OF THE OMBUDSMAN**

### **I. PRINCIPLES**

The CBC is fully committed to maintaining accuracy, integrity and fairness in its journalism.

As a Canadian institution and a press undertaking, the CBC is committed to compliance with a number of principles. Foremost among those is our commitment to scrupulously abide by the journalistic code of ethics formulated in our own handbook of journalistic standards and practices which stresses lack of bias in reporting. We are committed to providing information that is factual, accurate and comprehensive. Balanced viewpoints must be presented through on-the-air discussions. As it is for other public and private journalistic undertakings, credibility in the eyes of the general population is our most valuable asset and must be protected.

The Ombudsman is completely independent of CBC program staff and management, reporting directly to the President of CBC and, through the President, to the Corporation's Board of Directors.

### **II. MANDATE**

#### **1. Audience complaints and comments**

- a) The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC program staff or management.
- b) The Ombudsman generally intervenes only when a correspondent deems a response from a representative of the Corporation unsatisfactory and so informs the Office of the Ombudsman. However, the Ombudsman may also intervene when the Corporation fails to respond to a complaint within a reasonable time.
- c) The Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's journalistic policies and standards. The gathering of facts is a non judicial process and the Ombudsman does not examine the civil liability of the Corporation or its journalists. The Ombudsman informs the complainant, and the staff and management concerned, of his/her finding.

- d) As necessary, the Ombudsman identifies major public concerns as gleaned from complaints received by his/her Office and advises CBC management and journalists accordingly. The Ombudsman may undertake periodic studies on overall coverage of specific issues when he/she feels that the number of public complaints indicates that there may be a problem.
- e) On occasion, the Ombudsman may convey to a wider audience, either within the CBC or among the general public, particular cases of concern or consequence to others than the complainant alone.
- f) The Ombudsman establishes a central registry of complaints and comments regarding information programs, and alerts journalists and managers, on a regular basis, to issues that are causing public concern.
- g) The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarising how unsatisfied complaints were dealt with and reviewing the main issues handled by the Office of the Ombudsman in the previous year. The report includes mention of the actions, if any, taken by management as a result of the Ombudsman's findings, provided such disclosure does not contravene applicable laws, regulations or collective agreements. The annual report, or a summary thereof, is made public.
- h) The Office of the Ombudsman reports annually on how each media component has met the CBC standard of service for the expeditious handling of complaints.

## **2. Compliance with journalistic policy**

- a) The Office of the Ombudsman is responsible for evaluating compliance with journalistic policies in all programs under its jurisdiction. It is assisted in this role by independent advice panels. Panel members are chosen by the Ombudsman; their mandate is to assess individual or groups of programs over a period of time, or the overall coverage of a particular issue by many programs, and report their findings to the Ombudsman.
- b) The evaluation measures the programs' performance in respecting the three fundamental principles of CBC journalism, Accuracy, Integrity and Fairness.
- c) The Ombudsman aims to have all information programming reviewed over a five-year period. The Office reports annually.



### **III. JURISDICTION**

The jurisdiction of the Office of the Ombudsman covers all information programs on Radio, Television and the Internet. These programs include News and all aspects of Public Affairs (political, economic and social) as well as journalistic activities in agriculture, arts, music, religion, science, sports and variety. Complaints involving entertainment programming are generally beyond the Ombudsman's mandate and should be addressed directly to the programs concerned.

### **IV. APPOINTMENT**

- a) When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.
- b) After appropriate consultation, the President and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. The other committee members are chosen, one among CBC management, the other among its working journalists. Members representing the Corporation and journalists jointly select the committee chair among the two representatives of the public.
- c) The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO.
- d) The Ombudsman's appointment is for a term of five years. This term may be extended for no more than five additional years. The Ombudsman's contract cannot be terminated except for dereliction of duty or gross misconduct.
- e) The outgoing Ombudsman may not occupy any other position at the CBC for a period of two years following the end of his/her term but can, at the discretion of the incoming Ombudsman, be contracted to work for the Office of the Ombudsman.