



## Broadcasting Decision CRTC 2022-68

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Reference: 2022-58

Ottawa, 16 March 2022

*Public record: 1011-NOC2022-0058*

### **Review of the authorization to distribute Russia Today (RT) and RT France pursuant to the *List of non-Canadian programming services and stations authorized for distribution***

#### **Summary**

The Commission finds that the continued authorization for broadcasting distribution undertakings (BDUs) to distribute RT (formerly known as Russia Today) and RT France is not in the public interest as their content appears to constitute abusive comment since it tends or is likely to expose the Ukrainian people to hatred or contempt on the basis of their race, national or ethnic origin and that their programming is antithetical to the achievement of the policy objectives of the *Broadcasting Act*.

Accordingly, the Commission removes Russia Today and RT France from the *List of non-Canadian programming services and stations authorized for distribution*. Canadian BDUs are no longer authorized to distribute these services in Canada.

The Commission also reminds Canadians that should they have concerns about these or any other services, they may submit complaints to the Commission along with evidence to support their positions.

#### **Background**

1. On 2 March 2022, the Commission received a request from the Governor in Council pursuant to section 15 of the *Broadcasting Act* (the Act) that the Commission hold a hearing to determine whether RT (formerly known as Russia Today) and RT France (collectively RT) should be removed from the *List of non-Canadian programming services and stations authorized for distribution* (the List) in Canada and make a report as soon as feasible, but no later than two weeks after the effective date of the Order (the Section 15 Order).
2. The Section 15 Order indicated that the Government of Canada has concerns as to whether programs broadcast by RT and RT France would violate regulations made by the Commission under the Act, if those programs had been broadcast by a licensed Canadian programming undertaking.

3. Consistent with the Section 15 Order, on 3 March 2022, the Commission issued Broadcasting Notice of Consultation 2022-58 whereby it launched a process seeking comments on the continued appropriateness of authorizing the distribution of RT in Canada. The Commission made all broadcasting distribution undertakings (BDUs) as well as Ethnic Channels Group Limited (ECGL) parties to the proceeding and called on parties and interveners to submit evidence to support their position.
4. In Broadcasting Notice of Consultation 2022-58, the Commission highlighted the concerns raised by the Government of Canada and the public with respect to the continued appropriateness of the distribution of RT in Canada. The Commission expressed the preliminary view that RT's programming may not be consistent with the Commission's broadcasting regulations, in particular, the abusive comment provisions such as those set out in section 5 of the *Television Broadcasting Regulations, 1987*, and that it may be antithetical to the policy objectives set out in subsection 3(1) of the Act, notably subparagraph 3(1)(d)(i), and may not serve the public interest.

## **Regulatory Framework**

5. Pursuant to section 5 of the Act, the Commission is mandated to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the policy objectives set out in subsection 3(1) of the Act and with regard to the regulatory policy set out in subsection 5(2). Subsection 2(3) of the Act also provides that it is to be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings.
6. Paragraph 3(1)(d) of the Act provides that the Canadian broadcasting system should, among other things:
  - (i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
  - (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,
  - (iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society

7. Paragraph 3(1)(i) of the Act provides that programming provided by the Canadian broadcasting system should, among other things:
  - (i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,
  - (ii) be drawn from local, regional, national and international sources
8. Accordingly, the Commission must strike a delicate balance between ensuring that the broadcasting system serves the public interest as represented in the policy objectives and respecting freedom of expression. To this end, the Commission has enacted various regulatory frameworks and regulations that strive to achieve this balance.
9. In the case of Canadian television services, section 5 of the *Television Broadcasting Regulations, 1987* provides that:
  - 5 (1) A licensee shall not broadcast
    - (a) anything in contravention of the law;
    - (b) any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;
    - (c) any obscene or profane language or pictorial representation; or
    - (d) any false or misleading news.
10. Similar provisions are also found in section 3 of the *Discretionary Services Regulations* and in subsection 8(1) of the *Broadcasting Distribution Regulations*.
11. However, the Commission does not license non-Canadian services to broadcast in Canada. As such, these regulations are not directly applicable. Instead, it authorizes Canadian BDUs to distribute those services, should they choose to do so, via the List. These services require a Canadian sponsor in order to be added to the List.
12. By allowing BDUs to distribute non-Canadian services in Canada, the Commission recognizes that the availability of certain services may serve the public interest by adding choice, diversity and alternative perspective to the Canadian broadcasting system, thereby furthering the broadcasting policy objectives set out in subsection 3(1) of the Act.
13. The Commission's general approach to the addition of English- and French-language non-Canadian services to the List was set out in Public Notice 2000-173 and revised in Broadcasting Public Notice 2008-100. In regard to non-Canadian news services, the Commission determined that an open-entry approach would be consistent with the importance it places on a diversity of editorial points of view. Accordingly, the Commission

stated that, “absent clear evidence, as determined by the Commission, that a non-Canadian news service would violate Canadian regulations, such as those regarding abusive comment, the Commission will be predisposed to authorize non-Canadian news services for distribution in Canada.”

14. Pursuant to this policy, the Commission authorized the distribution of Russia Today in Canada in Broadcasting Regulatory Policy 2009-676 at the request of the ECGL. The Commission authorized the distribution of RT France in Canada in Broadcasting Decision 2020-281 at the request of ECGL, as the Canadian sponsor.

### **The present process**

15. In Broadcasting Notice of Consultation 2022-58, the Commission sought to build a record to support its determinations within the short time frames stipulated by the Government of Canada in the Section 15 Order. As a result, the Commission expressed a preliminary view regarding the matter and called on parties and interveners to submit evidence to support their positions with respect to RT remaining on the List. Given that it is their authority which would be impacted by the removal of the services from the List, BDUs were made parties to the proceeding. ECGL was also made a party given its role in sponsoring the addition of the services to the List.
16. Notwithstanding the short time frames, the Commission received 373 interventions with 350 of those in support of the removal of RT from the List and 16 interventions against the removal of RT from the List.
17. The majority of these interventions were from individuals expressing an opinion as to whether the services should continue to be authorized for distribution. Many contained strong condemnation of Russian aggression in Ukraine and general statements about Russian state-owned media, which was not always limited to RT, and the impact that it had on the perception of Ukrainians. Several interveners made comments regarding the promotion of toxic narratives, propaganda, lies and conspiracy theories on Russian-state media, including RT, and noted that this narrative was designed to spread hate against Russia’s critics and enemies and undermine western democracies. However, few provided concrete evidence to support their position.

### **Interventions by parties to the proceeding**

18. In respect of the undertakings that were made parties to the proceeding, Saskatchewan Telecommunications (SaskTel), Rogers Communications Canada Inc. (RCCI), Shaw Cablesystems G.P. (Shaw Cable) and Star Choice Television Network Inc. (Shaw Direct) (collectively Shaw), and ECGL submitted comments. SaskTel noted only that it did not distribute the services.
19. Shaw noted that Shaw Direct does not carry RT and neither Shaw Direct nor Shaw Cable carry RT France. It further noted that Shaw Cable had ceased carriage of RT as of 28 February 2022, a step that is consistent with the Commission’s preliminary view.

Accordingly, Shaw stated it was not in a position to show cause why RT should not be removed from the List.

20. RCCI noted that RT had been removed from its channel lineups on 28 February 2022 on the basis that RT is owned by a state against which Canada has placed sanctions and related measures. In RCCI's view, it would be appropriate for the Commission to also consider removing any programming services from the List that is either owned or controlled by a state that is subject to Canadian sanctions or by any specific individual or entity identified in Schedule 1 to the *Special Economic Measures (Russia) Regulations*. RCCI suggested this could include, for example, Channel One Russia and RTR Planeta.
21. ECGL indicated its support of the present process as an appropriate means of addressing the issue because it is rules-based, transparent, public and reviewable. In its view, the unilateral actions of the BDUs in dropping the services was not an appropriate means of addressing the issue. It also suggested that another possible and perhaps more appropriate framework to consider the presence of RT and RT France services could be the framework for economic sanctions under the *Special Economic Measures Act*. ECGL pointed to the sanctions used by the European Union (EU) which were targeted at the actual operators of the RT services and covered all means of transmission in the EU. ECGL cited the press release for EU action, noting that the basis for this action was related to "systematic information manipulation and disinformation by the Kremlin is applied as an operational tool in an assault on Ukraine. It is also a significant indirect threat to the Union's public order and security."
22. Despite its support for the process, ECGL expressed concerns that the present process may not be broad enough to prevent distribution of Russian state-controlled information and news content within Canada because it applied only to BDUs in the regulated environment (i.e. not entities operating under the *Exemption order for digital media broadcasting undertakings* or on a pirated basis, or services offered directly through the Internet on RT-owned websites), and it did not cover other Russian services such as Channel One Russia.
23. ECGL further indicated that, in its view, it is critically important for Canadians to have access to independent Russian-language media and also to services originating from Ukraine that provide an on-the-ground view of events happening in that country.

#### **Interventions by groups representing Ukrainians and other Eastern European groups**

24. Several groups representing Ukrainians and other Eastern European groups in Canada also provided comments.
25. The Estonian Central Council in Canada submitted that the Russian regime is systematically committing crimes against humanity and war crimes in Russia's unprovoked war of aggression against Ukraine. It is entirely inappropriate for Russian state-owned or controlled media to broadcast in Canada.
26. The Central and Eastern European Council in Canada (CEEC) submitted that Russian-language state media broadcast and viewed by the Russian community in Canada promotes hate towards the North Atlantic Treaty Organization (NATO), Canada and the Central and Eastern European communities in Canada. It also submitted that during the recent protests in

Ottawa, Russian-state media gave a platform to and legitimized extremist voices who were actively calling for the removal of the Canadian government and identified that on 11 February 2022, RT broadcast an interview with an anti-government protestor calling for “the absolute removal of the current political structure in this country.”

27. Without specifically identifying RT, the CEEC also noted that Russian-state media has promoted hate towards minority groups, including the LGBTQ2+ community, noting that a popular Russian media host, Dmitry Kiselyov, stated in 2013 that the hearts of gay men should be removed and burned when they die.
28. Finally, the CEEC pointed to a Canadian Broadcasting Corporation (CBC) broadcast on 17 January 2019 regarding a popular Russian-state media show that directly advanced anti-Ukrainian narratives, claiming that “Canada is harbouring Ukrainian fascists who are directing anti-Russian policies by the Canadian government” and submitted that such conspiracy theories “are consistent with Vladimir Putin’s unhinged and completely false claims about Ukraine’s President Volodymyr Zelensky being a drug addled neo-Nazi” and “threaten to marginalize the Ukrainian community and delegitimize them as Canadian citizens.” According to the CEEC, “channels like RT (both English and French), RTR Planeta and Russia 1 are used by the Putin regime to promote toxic narratives, propaganda, lies and conspiracy theories, to spread hate against its critics and enemies, and undermine western democracies eroding the cohesion within them. They are not news channels: they are instruments of Vladimir Putin’s information warfare and influence operations through which he seeks to manipulate the understanding of geopolitical and domestic political issues and impair decision making about them.”
29. The Canadian Polish Congress submitted that “these are not news channels, but rather instruments of disinformation and influence operations through which the Putin regime seeks to manipulate the understanding of geopolitical and domestic political issues.” The Canadian Polish Congress also noted that Russia had recently passed legislation that would impose prison terms of up to 15 years for those convicted of disseminating “fakes,” or information that authorities deem to be false, about the actions of Russia’s armed forces in Ukraine. The Canadian Polish Congress considered this action an obvious threat to free speech and the independent press and noted that the CBC has halted its operations in Russia as a result.

### **Individual interveners**

30. In addition to these groups, a few individual interveners made submissions regarding specific content on RT. One intervener submitted that RT contravenes Canada’s hate laws by persisting in anti-Semitic interviews with Charles Bausman, as well as white racialists such as David Duke, Jared Taylor and Richard Spencer. This intervener submitted screen shots showing these individuals being interviewed on RT.
31. This intervener also argued that there is “ample evidence that RT is in fact and function an arm of the Government of Russia, intended to use disinformation as a military instrument.” He provided a link to an article which contained links to and analysis of interviews with RT’s editor-in-chief, Margarita Simonyan in 2012 and 2013 in which she spoke about the service in terms of its role as a military instrument.

32. The article goes on to provide analysis of the role of RT in events such as Russia's occupation of Crimea in 2014 and the plight of the Kurds in Turkey in 2016, highlighting the failure to provide balanced reporting. In particular, the article notes that, in Crimea, RT repeatedly ran news bulletins in which the Ukrainian government was accused of atrocities and in which Ukrainian demonstrators were accused of Nazi sympathies without providing adequate coverage of the Ukrainian government's and demonstrators' point of view. In the case of Turkey, RT broadcast interviews featuring pro-Kurdish activists accusing the Turkish government of genocide or ethnocide without providing the Turkish government's stance on the matter. Notably, Ofcom found RT guilty in both cases of failing to provide adequate coverage of the Ukrainian and Turkish governments' point of view, and thus failed to adhere to basic journalistic standards.<sup>1</sup>
33. Another intervener provided screen shots, dated 6 March 2022, showing images of the war and news lines claiming, among other things, that Russia had found evidence proving the development of a biological weapon in Ukraine, that the Ukrainian army was abandoning NATO weapons and supplies during its retreat and that the Ukrainian army was using civilians as shields. The intervener identified these claims as lies of the same type used by Nazi Germany during World War II.
34. Another intervener noted the devastation that has been caused by the attack on Ukraine and cited a report that indicates that more than 50% of Russians support this action. The intervener suggested that this hatred for Ukrainians "is incited by propaganda messages that speak from a position of an ultranationalist dominance of Russia over other nations, that aim at dehumanizing Ukrainians, deny their freedom of choice in their internal affairs and their very existence as nation, mocking our Western values and portraying NATO and the West as enemies."

### **Interventions in opposition to removal of the services**

35. While the majority of the interventions supported the removal of RT from the List, certain interveners argued against its removal, primarily on the grounds of freedom of expression.
36. One individual cautioned against censorship, noting the historical use of this tool by those in power or seeking to gain power. The intervener noted that, today, Russia is censoring western sources and the west is censoring Russian sources, but that censorship comes with a price as it amplifies ignorance and diminishes insight. In his opinion, the only way for an informed public to understand major events is to have access to all available sources. He submitted that the absence of censorship dampens the ability of the propagandists to lie to us, forces them to be more realistic and gives us a more accurate worldview. The intervener concluded that he would rather censor RT himself than have the Canadian government do it.
37. While Vaxination Informatique did not challenge the process directly, it did question the appropriateness of the use of section 15 of the Act to issue an order given that the services were already off the air and the short timelines do not allow for a fulsome process and set a

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<sup>1</sup> See Ofcom Broadcast Bulletins [266](#) and [308](#).

dangerous precedent of enabling the government in blocking channels they don't like. It suggested that a direction under section 7 of the Act would have been more appropriate.

38. With respect to the issue at hand, Vaxination Informatique submitted that RT was added to the List knowing it was owned and controlled by the Russian government, a fact that has not changed. In its view, increasing diversity of news is more important than ever because it provides a different point of view which is helpful in trying to understand the current war and what is really going on, citing the dangers of one-sided media. It argued that with a number of western media offices closing, RT is pretty much the only means to see official speeches and policy of the Russian government. Furthermore, it argued that although RT may have slanted coverage in areas of interest to the Kremlin, it can provide good coverage for other matters, especially if it covers stories not covered by western media. As a result, it argued that continued availability of this diverse voice should be considered a policy objective especially if we disagree with some of the content aired by RT.
39. In seeking to demonstrate the utility of maintaining RT's presence on the List, Vaxination Informatique identified the example of the western media reporting that Vladimir Putin wanted to rid Ukraine of Nazis and that it wasn't until they heard it on RT and from the Russian Ambassador to the United Nations that they realized Vladimir Putin was "truly using this irrational excuse." The intervener further noted that it is likely that Putin amplified a tiny minority of Ukrainians who belong to fringe right-wing groups or dislike the presence of people of Russian descent in Ukraine to make it look like Ukrainian government attacks against people of Russian descent in eastern Ukraine. It cited the example of footage described by western media as Russia attacking a building in Kharkiv while RT claimed this was the Ukrainian government attacking Ukrainians of Russian descent.
40. Despite its support for maintaining authority for distribution of RT in Canada, Vaxination Informatique does suggest that BDUs need to provide information on the channel's owner and a link to the news site's editorial independence policy. It is suggested that this should be provided to subscribers prior to them subscribing to a channel in order to foster a greater awareness of the nature and owners of each news channel and allow viewers to better understand and process what they see.

### **Commission's analysis**

41. The Commission's framework for the addition of non-Canadian programming services to the List is an open one that recognizes the inherent value that non-Canadian services play in bringing diversity and alternative perspectives to Canadians. For example, such services can enrich and strengthen the cultural, political, social and economic fabric of Canada; they can serve the needs and interests of Canadians, including those of different cultural or racial backgrounds; and they can bring an international perspective to the Canadian broadcasting landscape.
42. However, non-Canadian services do not have a right to be distributed in Canada nor does the addition of such a service to the List grant it such a right. Rather, the Commission provides authority for Canadian BDUs to distribute these services to their subscribers. That authority is not absolute and the Commission can de-authorize services where it is of the view that the



distribution of a service by BDUs is no longer consistent with the policy objectives and, therefore, no longer serves the public interest.

43. One such case would be where the content broadcast on the non-Canadian programming service is at odds with the standard to which the Commission would hold a Canadian programming service such that, if it were licensed, that non-Canadian programming service would be in violation of the regulations.
44. While the Commission typically determines whether the non-Canadian programming service's content is consistent with the regulations and the policy objectives of the Act when a sponsor seeks to add the service to the List, the Commission is not prevented from revisiting this decision after the fact in response to complaints or an indication that the programming on the service may not be consistent with Canadian standards as set out in the regulations or the policy objectives of the Act.
45. In the present case, following the recent attacks by Russia on Ukraine, the Commission received several complaints from Canadians regarding the programming on RT and whether that programming is consistent with the policy objectives of the Act and with the Commission's broadcasting regulations. The Government of Canada also expressed concern as to whether programs broadcast by RT would violate regulations made by the Commission under the Act, if those programs had been broadcast by a licensed Canadian programming undertaking.
46. The Commission's preliminary view was based on these concerns which, if supported, could serve to demonstrate that RT would violate Canadian regulations, and in particular, the abusive comment provision as they could constitute abusive comment or abusive pictorial representation that tend to, or are likely to, expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin. In other words, the Commission was concerned that programs on RT could expose Ukrainians to hatred or contempt on the basis of their race, national or ethnic origin.
47. Furthermore, the Commission was concerned that the broadcast of such programs would not be consistent with the policy objectives set out in the Act. Most notably, it would not serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.
48. As far as the Commission is aware, all of the BDUs that distributed RT or RT France have ceased distribution of the services. Accordingly, the removal of the services from the List would not change the current distribution reality.
49. The Commission notes that none of the BDUs, whose authority to distribute the services is at issue in this proceeding, objected to the de-authorization of the services and some suggested the removal would be consistent with other steps taken by the Government of Canada against Russia.

50. The Commission also notes that none of the interveners disputed the fact that RT is sponsored and controlled by the Russian government or that it contains at least some government propaganda.

### **Abusive comment**

51. In expressing its preliminary view, the Commission was seeking to substantiate its concern that the programming on RT tended to or was likely to expose the Ukrainian people to hatred or contempt on the basis of their race, national or ethnic origin, with such hatred or contempt being born out in the attacks by Russia.

52. As noted, a number of interveners made submissions regarding the Russian aggression in Ukraine, the fact that RT is used as a military instrument by the Russians and the impact that the programming on Russian-state media, such as RT, had on the perception of Ukrainians. They referenced toxic narratives, lies and conspiracy theories, including providing screen shots of claims by RT of scenarios, such as the presence of biological weapons facilities, which have been widely disputed by other nations and media outlets. They noted that the narrative spread on Russian-state media, such as RT, was designed to spread hate against Russia's critics and enemies, which the Commission notes includes Ukraine, and to dehumanize Ukrainians. Even Vaxination Informatique, which argued in favour of the service remaining on the List, identified situations where RT had broadcast content which turned the narrative against Ukrainians and suggested that BDUs should provide further information to subscribers regarding the nature of the service before they subscribe.

53. In assessing the impact of the content broadcast on Russian-state media, the Commission notes the report submitted by an intervener that indicates that more than 50% of Russians support the action against Ukraine. To this end, the Commission also notes media reports worldwide of Ukrainians contacting family members in Russia who are under the mistaken belief that Russia is freeing Ukraine from Nazis, that the Russian army would never target civilians, it is the Ukrainians who are killing their own people, and that this narrative somehow justifies the attacks on the Ukrainian people.<sup>2</sup> Further, the Commission considers that statements of Margarita Simonyan in the interview support the argument that RT is being used by Russia as a military instrument to foment hatred toward Ukrainians or other groups.

54. The Commission notes that this practice of portraying a particular group of people in a negative light to serve a political or military agenda is not new to Russia or RT. In regard to the events in Crimea in 2014 and Turkey in 2016, the Commission is of the view that the findings of Ofcom lend credibility to the arguments put forward in the present situation. What is interesting about these findings is that they don't find that RT could not share the stories or viewpoints it did but rather that the stories were not presented with "due impartiality" as required under Ofcom's Broadcasting Code because RT failed to provide balance in its reporting by providing the viewpoint of the Ukrainian and Turkish

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<sup>2</sup> See for example articles from the [New York Times](#) and [BBC News](#).

governments. The Commission notes that the programs and the comments that were considered by Ofcom painted the Ukrainians and Turks in a negative light.

55. For example, in the case of Ukraine, Ofcom found that certain programs over-emphasized the role of certain right-wing organizations in the protests and the involvement of certain of these groups and politicians in the interim government (which Russia sought to delegitimize) as well as painting the actions of the government as unconstitutional and suggesting they were targeting Russians with various laws. In the case of Turkey, following the shooting down of a Russian military aircraft by Turkish forces in November 2015, reporting on RT accused Turkey of human rights abuses, of carrying out a genocide or ethnicide against the Kurds and of having ties to the Islamic State of Iraq and Syria.
56. In addition to these previous findings, the Commission notes that on 28 February 2022, Ofcom opened [15 new investigations into the due impartiality of news programs on RT in relation to Ukraine](#). The Commission also notes that the United States Department of State Global Engagement Center issued a [special report](#) in January 2022 regarding Kremlin-Funded Media, notably RT and Sputnik. In that report, they examined the role of media in the events in Crimea and Turkey as well as the spring 2021 Russian military buildup on the Ukrainian border and noted a return of the narratives that had been developed in 2014. One of these returning narratives was the allegation that Ukraine has a serious Nazi or fascist problem and claims that “Russian citizens” in Ukraine, and Russia itself, are threatened by neo-Nazi aggression from Ukraine. Another narrative is that the Ukrainian armed forces intentionally injure children and the report provides information debunking these claims.
57. In the Commission’s view, the representation of the Ukrainian and Turkish government activities was designed to foster a negative view of them. In the case of Crimea, this negative view formed part of the basis on which Russia could justify its invasion and annexation of Crimea.
58. The Commission considers that similar programming being broadcast today in the context of the invasion of Ukraine, as is indicated in the record of this proceeding, could also create a negative view of the Ukrainian people. Such negative representations could be considered to constitute abusive comment in that they tended to or were likely to expose the Ukrainian people to hatred or contempt on the basis of their race, national or ethnic origin, such hatred or contempt being born out in the attacks by Russia.
59. Furthermore, the Commission notes the submissions which indicate the promotion of hatred towards Ukrainian-Canadians on Russian-state broadcasters as well as the promotion of hatred of Canada and its allies. Statements referring to Canada “harbouring Ukrainian fascists” and the portrayal of Canada, NATO and the West as enemies could be considered to constitute abusive comment in that they tended to or were likely to expose Ukrainian-Canadians or Canadians generally to hatred or contempt on the basis of their race, national or ethnic origin.

60. Finally, in addition to concerns about the programming targeting Ukrainians, the record of this proceeding also indicated that the programming on RT has also historically targeted the LGBTQ2+ communities. In particular, the Commission notes the statements by Dmitry Kiselyov in 2013, and considers that comments such as these would clearly constitute abusive comment in that they tended to or were likely to expose gay men to hatred or contempt on the basis of their sexual orientation.
61. The Commission is of the view that although many of the examples in the interventions provided are historical in nature, they demonstrate a trend in programming which tends to or is likely to expose various groups to hatred or contempt. Furthermore, to the extent that the programming currently broadcast by RT contains similar programming which seeks to negatively impact the public perception of Ukrainians, the Commission considers that that too would constitute abusive comment.

### **Other considerations**

62. The Commission notes the difficulty that parties and interveners may have had in obtaining the necessary evidence to support their positions given the short timelines imposed as a result of the Section 15 Order and the fact that the services were no longer being distributed. Accordingly, the Commission finds that it is also important to consider the broader context in assessing whether to remove the services from the List.
63. As a result, in addition to the seriousness of the allegations contained in the interventions, the Commission notes the reports of the actual situation in Ukraine, the current and escalating sanctions on Russia and Russian individuals, as well as the swift steps taken by other jurisdictions to ban the services.
64. As noted by several interveners, the Canadian government has condemned Russia's violation of the sovereignty and territorial integrity of Ukraine, and the grave human rights violations that have been committed in Russia, and has imposed sanctions on Russia. Most recently, the Government of Canada has imposed [sanctions on individual Russians](#) in light of the recent incursion into Ukrainian sovereignty which RT has portrayed as a rescue mission. The Commission notes that RCCI suggested that the Commission should consider removing any programming service from the list that is either owned or controlled by a state, individual or entity that is subject to Canadian sanctions.
65. In the most recent series of sanctions, the Commission notes that the Government of Canada imposed sanctions on Margarita Simonyan, RT's editor-in-chief, on 6 March 2022. Margarita Simonyan has been described by the EU as a central figure in Russian government propaganda and is accused of promoting Russian aggression in Ukraine.<sup>3</sup>

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<sup>3</sup> See the [Council Implementing Regulation \(EU\) 2022/260 of 23 February 2022 implementing Regulation \(EU\) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.](#)

66. Canada is not alone in this step and many other countries, including the United States and numerous European countries have imposed similar sanctions. Furthermore, many of these jurisdictions have also taken steps to remove RT and other Russian-state media from the airwaves. On 2 March 2022, the EU banned RT and Sputnik from broadcasting in its member countries in response to the invasion and the service has been pulled from the airwaves in other countries such as Australia. In imposing the ban on RT and Sputnik, the EU noted the “systematic international campaign of disinformation, information manipulation and distortion of facts in order to enhance [Russia’s] strategy of destabilisation of its neighbouring countries, the EU and its member states. In particular, disinformation and information manipulation has repeatedly and consistently targeted European political parties, especially during the election periods, civil society and Russian gender and ethnic minorities, asylum seekers and the functioning of democratic institutions in the EU and its member states.”<sup>4</sup>
67. ECGL’s submissions included reference to the press release of the EU when it imposed sanctions against RT. One of the concerns raised in that press release is the fact that Russia has cracked down on independent media in Russia using legislation to “muzzle independent media and individual journalists seen as critical of the government”. It also noted that Russian journalists have been threatened, prosecuted, and forced to flee the country simply for doing their work. To this end, the Commission further notes the submission of the Canadian Polish Congress regarding the fact that Russia has enacted legislation that would punish anyone spreading what it considers “fake” information about its invasion of Ukraine with up to 15 years in prison. This type of legislation is clearly directed at freedom of expression and the independence of journalists and has resulted in many foreign media outlets suspending operations in Russia in order to protect their journalists.
68. Notably, free access to information is a fundamental right enshrined in the Universal Declaration of Human Rights and in the European Convention on Human Rights (Article 10). It is also a principle that is encapsulated in Canada’s own freedom of expression provision set out in the Charter of Rights and Freedoms.
69. While the points raised by Vaxination Informatique regarding the dangers of one-sided media and the importance of diversity of viewpoints have merit and form the basis of the Commission’s open entry approach to the authorization to distribute non-Canadian services, the Commission must weigh the benefits of this approach against the other policy objectives and the overall regulation of the broadcasting system.
70. As noted, the Act provides that it is to be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings. The act of a government constraining journalists and independent voices is antithetical to this key principle that underpins the Canadian broadcasting system and must not be borne lightly. The Commission therefore finds that the actions of the Russian government in limiting journalistic independence of

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<sup>4</sup> See 2 March 2022 EU [press release](#).

independent news agencies within the country and in directing the content on RT and other state-run broadcasting services goes against this fundamental aspect of the Canadian broadcasting system.

71. Furthermore, with respect to freedom of expression and censorship concerns raised by certain interveners, the Commission notes that Canadians will still be able to access the content on other platforms, such as the Internet, should they so choose.
72. The Commission is also gravely concerned by the promotion of hatred towards Ukrainian-Canadians on Russian-state broadcasters and programming which seeks to undermine the democratic institutions within Canada as well as promote hatred of Canada and its allies.
73. The Commission finds that the distribution in Canada of programming from a foreign country which seeks to undermine the sovereignty of another country, demean Canadians of a particular ethnic background, as well as undermine the democratic institutions within Canada does not serve to safeguard, enrich or strengthen the cultural, political, social and economic fabric of Canada. The Commission also finds that such programming does not reflect Canadian attitudes, opinions, ideas and values nor does it serve the needs and interests of Canadians.

## **Conclusion**

74. In light of all of the above, the Commission finds that the continued authorization for BDUs to distribute RT and RT France is not in the public interest. Having weighed the concerns raised on the record regarding the programming on RT, the broader context associated with Russia's activities in Ukraine, the freedom of expression, and the policy objectives in the Act, the Commission considers that it is appropriate to remove these services from the List. Were these services licensed in Canada, the Commission would have called them to account for their content on the basis that it constitutes abusive comment since it tends to or is likely to expose the Ukrainian people to hatred or contempt on the basis of their race, national or ethnic origin and that its programming is antithetical to the achievement of the policy objectives of the Act.
75. Accordingly, the Commission removes Russia Today and RT France from the *List of non-Canadian programming services and stations authorized for distribution*. Canadian BDUs are no longer authorized to distribute these services in Canada.
76. As noted by some interveners, the scope of this proceeding is limited to RT and RT France. While many interveners have submitted comments which apply broadly to Russian-state controlled and sponsored media, the Commission is limiting its analysis at this time to the services identified in the Section 15 Order and the Broadcasting Notice of Consultation 2022-58.

77. Should Canadians have concerns about these or any other services, they may submit complaints to the Commission along with evidence to support their position. Where possible, such a complaint should include details of the date, time and content of the program which is alleged to contain content that would violate the regulations; if possible, recordings, screen shots or quotations from the program; as well as any additional evidence that the Commission could use to assess the suitability of the service for distribution in Canada.

Secretary General

### **Related Documents**

- *Call for comments regarding the continued appropriateness of authorizing the distribution of RT in Canada*, Broadcasting Notice of Consultation CRTC 2022-58, 3 March 2022
- *Addition of RT France to the List of non-Canadian programming services and stations authorized for distribution*, Broadcasting Decision CRTC 2020-281, 20 August 2020
- *Addition of Russia Today to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Regulatory Policy CRTC 2009-576, 29 October 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000