
CANADIAN BROADCAST STANDARDS COUNCIL

NATIONAL CONVENTIONAL TELEVISION PANEL

Global re a report on *Global National* (“Deportation Delayed”)

(CBSC Decision 07/08-1136)

Decided August 7, 2008

R. Cohen (Chair), D. Braun (*ad hoc*), M. Omelus (*ad hoc*), P. O’Neill

and

CANADIAN BROADCAST STANDARDS COUNCIL

BRITISH COLUMBIA REGIONAL PANEL

CIVT-TV (CTV British Columbia) re a report on *CTV News at Six*

(CBSC Decision 07/08-1135)

Decided August 19, 2008

S. Warren (Chair), J. Doobay, G. Leighton, O. Mowatt, N. Spector

THE FACTS

This decision deals with two separate January 9, 2008 newscasts on two unrelated television outlets, one having been a national broadcast and the other a local (British Columbia) broadcast. Since the broadcasts fell under the jurisdiction of different CBSC Panels, they were destined to be treated separately. Although the challenged wording of the two newscasts was slightly different, the underlying reasoning was common to both and there was a single complainant. In the circumstances, although the Panel

adjudications were held separately, the two Panels agreed that their decisions should be issued in a single document.

Eleven individuals identifying themselves collectively as Media Watch filed a single letter of complaint with the CRTC that referred to three private broadcasters and one public broadcaster. That complaint was, in the ordinary course of events, forwarded to the CBSC, and this decision deals with two of the three private broadcasters (no Ruling Request was filed with respect to the radio station, and the public broadcaster complaint remained with the CRTC for resolution).

The *Global National* newscast

The first of those two challenged news reports (first by about three hours) aired during Global's 5:30 pm *Global National* newscast, which is hosted by Kevin Newman. Twelve minutes into the newscast, Global aired a teaser for the "Deportation Delayed" report, which was coming up after the commercial break; it went as follows:

Newman: He came to Canada on false documents and is now paralyzed. As a community rallies again to keep a would-be refugee here, should Canada show compassion or enforce the law?

[Night-time scene of protestors outside a temple; a man in a hospital bed surrounded by five people; night-time protest outside temple with placards reading "Let Laibar Stay" and "Stop the Deportation of Laibar Singh".]

Following the commercial break and another news item, Global aired Tara Nelson's report entitled "Deportation Delayed".

Newman: Here at home, a paralyzed refugee claimant who entered Canada illegally has evaded deportation again. Laibar Singh's removal order was delayed today for a second time after hundreds of supporters threatened to block Border Services officials from loading him onto a flight back to India. And as our own Tara Nelson tells us, neither side in the stand-off appears ready to give up.

[Scene of sun rising through trees; exterior scene of temple.]

Nelson: By the time the sun came up over this Surrey, B.C. temple, the gates were locked, the grounds were quiet. [Close-up of padlock; shot of grounds through an iron gate.] No indication of what took place just hours before. [Scene of night-time protest; protestors holding placards "Let Laibar Stay", "Stop the Deportation of Laibar Singh" and a little boy holding one that read "One More Black Day in Canada".] At three a.m. a sizable crowd had gathered outside the temple determined to stop the early morning deportation of Laibar Singh, a failed refugee claimant seeking sanctuary inside. [Pan of protest.]

Interview with Harjap Grewal, "No One Is Illegal": The community is here to come be witness to what CBSA want to do, to protest any violation of the sanctuary. They will be protesting peacefully.

[Singh sitting in a chair being fed by another man, surrounded by many other men.]

Nelson: Singh came to Canada in 2003 on a forged passport and initially sought refugee status. He was denied. As his subsequent appeals were also rejected, he suffered a massive stroke and was left quadriplegic. [Singh being pushed in a wheelchair surrounded by a group of men.] He's now seeking to stay on compassionate grounds, but that too has been rejected. [Singh lying in a room as two men stand watch; close-ups of his face and hand.] Last month, Singh was ordered to leave the country. [Scene of daytime protest with caption "December 10"; man with a megaphone leading a chant; protestors' placards "Deportation is Death to Singh!!!", "Shame Full [sic] Decision" and "Mr. Singh is Paralyzed".] When Canada Border Services tried to deport him back to India, more than a thousand supporters blocked his taxi at Vancouver Airport [Scene of protestors blocking traffic at airport; Singh sitting in a car.] Officials abandoned the plan. [Two men walking through the night-time protest, saying "Step aside, please."] Their next attempt today was also unsuccessful after negotiations with the temple president and Singh's lawyer.

Interview with Zool Suleman, Singh's Lawyer: The Canada Border Services position is that they have an enforceable removal order. You need to speak to them about how they intend to enforce it. Our position is that there is a sanctuary that's now taking place.

[Daytime scene of temple.]

Nelson: CBSA does not condone hiding in places of worship to avoid removal. In fact, a spokesman says "the government is committed to enforcing removal orders against those persons who are inadmissible to Canada ..." [Those words appear on screen with a CBSA logo.] In other words, it's a matter of time.

[Stockwell Day walking into a press conference.]

Stockwell Day, Public Safety Minister, to press conference in Halifax: A removal order is, um, a matter of law and we expect all people in Canada to abide by our laws.

[Singh in a bed surrounded by five people.]

Nelson: Critics say they'd better get on it. The longer the government waits, the more trouble ahead. [Close-up of Singh's face.]

Interview with Don Devoretz, Asia Pacific Foundation: Anybody who gets ill while waiting refugee status is then eligible to use this as a precedent. And it'll work. And all of a sudden we're going to have a new way of entering the country, uh, which we didn't anticipate and literally cannot control for.

[More scenes of night-time protest; signs "Respect Laibar Singh", "Respect Human Rights".]

Nelson: CBSA is not revealing when it will make its next removal attempt. Tara Nelson, Global News, Vancouver.

Newman: So where do you stand on this intricate issue? Do you think Border Services should deport Laibar Singh? You can log on to GlobalNational.com to give us your opinion. [Question appears on screen, along with "Yes" and "No" buttons.]

CTV News at Six newscast

The second of the challenged news reports aired during CTV British Columbia's 6:00 pm *CTV News at Six* newscast. The news segment by reporter Lisa Rossington was two minutes long and ran about eight minutes after the start of the newscast.

Anchor Pamela Martin: Lambar [sic] Singh remains in a Sikh temple in Surrey tonight after yet another failed attempt to deport him. Again today, hundreds of Singh supporters showed up forcing the Canadian Border Services Agency to scrap its plan. Lisa Rossington reports.

[Scene with caption "Early this morning, Surrey": men standing at gate in front of temple with poster reading "CBSA Go Home" stuck to gate; different view of the gate and "Sanctuary Zone" poster stuck to it; car with a group of men in it driving slowly.]

Rossington: A couple hundred protestors, a locked gate and that was enough to keep Canada Border Services agents and the RCMP at bay.

Interview with Zool Suleman, Singh's lawyer: There will be no removal of Laibar Singh today. [Someone off-camera cheers.]

[File footage of Singh in a wheelchair being wheeled through a set of doors, surrounded by people, some of whom are holding signs of support.]

Rossington: Singh is the Indian quadriplegic who has been hiding out in Lower Mainland Sikh temples. He's now holed up in this temple in Surrey. [Early morning scene of temple with protestors outside; three agents standing outside an RCMP van; a group of men standing near the temple gate.] Border agents advised Singh's supporters they would be coming for him at 4:30 this morning to deport him to India.

Interview with unidentified male supporter: He is under sanctuary here at Gurudwara.

[Street scene of early morning protest.]

Rossington: Once again, Singh's supporters saved him. [Scene of Singh lying in bed, smiling at man standing beside him.] It's the second time his departure has been thwarted. [Scene of protest December 10, Vancouver International Airport.] In December, agents backed off after one thousand protestors showed up at Vancouver International Airport. [Singh in chair with young woman sitting beside him talking to him.] This is what the CBSA told *CTV News* today in an e-mail [words appear on screen]: "... the fact that a person is hiding in a place of worship to avoid removal does not influence the Federal Government's decision concerning the case. The government is committed to enforcing removal orders against those persons who are inadmissible to Canada ..." [Singh sitting in a car; people standing around a yellow van.] And each time they go and try and get Singh, it costs taxpayers money. A fully-staffed Medevac jet is on stand-by at considerable expense. [Scene of jet flying.] Singh came to Canada in 2003 on a forged passport. [Close-up of Singh's face; Singh in a wheelchair with three men nearby; people outside of a Government of Canada building at 300 West Georgia.] He was denied refugee status and while here illegally he suffered an aneurysm. [Scene of Singh in a wheelchair being pushed through a set of doors, surrounded by supporters.] His supporters feel he would not get proper medical treatment if he was sent back to India.

Interview with Richard Kurland, Immigration lawyer: Letting removal policy be determined by mob rule at an airport is no way to conduct program integrity of Canada's immigration system.

Rossington, standing on rooftop at night: Supporters of Singh are clearly happy that his deportation has been averted for now. But critics say the decision by border agents not to follow through makes a mockery of our system and sets a dangerous precedent. Lisa Rossington, *CTV News*, Vancouver.

The Letter of Complaint

The following complaint dated January 18, 2008 from a group of individuals collectively identifying itself as Media Watch was sent to the CRTC and forwarded to the CBSC in due course. It provided general introductory comments on the group's understanding of the proper characterization of refugee applications, on the one hand, and its concerns with the general treatment of many media outlets with the status of Laibar Singh, on the other. These were followed by specific observations of the Global and CIVT-TV treatment of Laibar Singh, which, although part of the same letter, are presented separately below. (The full text of all correspondence can be found in the appendix.) First, then, the general comments of Media Watch (all bold-faced emphasis in the following document is original):

CRTC Complaint regarding Accuracy and Comprehensiveness In recent coverage of Laibar Singh story, January 18, 2008

[...]

As media analysts, academics, and journalists, we are writing with concerns about the lack of accuracy and comprehensiveness in recent media coverage of the Laibar Singh story.

Broadcasters failed to provide accurate, comprehensive, fair, full, and unbiased coverage when they reported falsely that Laibar Singh "came to Canada illegally" or that he "was illegal" in Canada prior to receiving his first deportation date and taking sanctuary in July 2007. This decontextualized and/or inaccurate information has fuelled ignorance in the public sphere about Laibar Singh, has negatively impacted all asylum seekers to Canada, and has betrayed the public trust.

Media outlets have had access to accurate information to correct these mistakes, including press releases quoting lawyers, law professors, and legal advocates clarifying the law in this matter. These statements are being re-included here:

Lawyer Michael A. Leitold of Roach, Schwartz & Associates and a member of the Law Union of Ontario Steering Committee stated publicly, "Contrary to media reports, Laibar arrived legally in Canada, and declared his false documents, which is a normal part of the refugee process enshrined in Canadian and international law."

Janet Cleveland, Canada Research Chair in International Migration Law at the Université de Montréal stated publicly: "The fact that Mr. Singh used false documents to enter

Canada and to claim refugee status cannot be held against him, as is stated expressly in the Geneva Convention and other instruments of international and Canadian law.”

These legal experts and others have explained to reporters, editors, and talk show hosts on several occasions the distinction between “entering illegally,” and traveling to Canada on false documents, which is *not* illegal for asylum seekers, who are protected by an exemption under Canadian immigration law and regulations. Furthermore, it has been clarified multiple times that Mr. Laibar Singh was in Canada “legally” for the entire duration of his stay in Montreal and Vancouver from 2003-2007, prior to publically [*sic*] taking sanctuary in July 2007 when he received his first deportation order.

In failing to contextualize in a comprehensive manner and/or falsely reporting that Mr. Laibar Singh entered Canada “illegally” or was staying in Canada “illegally,” broadcasters breached a fundamental principle of journalism.

Article One of the Radio Television News Directors Association of Canada *Code of Ethics*, states that “Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.” Furthermore, Clause 5 of the Canadian Broadcast Standards Council *Code of Ethics* states “it shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias.” Clause 6 states, “the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster.” In reporting inaccurate, incomplete, and/or decontextualized information about the refugee determination system as it applied to Mr. Singh’s situation, broadcasters breached these ethical codes.

In fact, immigration lawyer Catherine Sas appeared on CBC radio’s show *BC Almanac* on Jan 9, 2008, and contrary to statements by phone-in guests on that show, specifically clarified that it is not illegal in Canada for asylum seekers to travel on false documents, since Canadian and International law provide an exemption that protects the right of asylum seekers fleeing their home countries and allows them to travel on false or incomplete documentation. Sas clarified that Laibar Singh is “using legal avenues to see if he will be allowed to stay.” One caller, demonstrating the general state of ignorance that has been fuelled by media inaccuracies, stated: “They are saying he has to be deported because he came into this country with an illegal forged passport. That is against the law.” The show’s host in this case clarified in a responsible manner by asking the lawyer to explain: “it is legal to come to Canada on a false passport. In fact it’s quite common that refugees come to Canada on false passports, and it doesn’t change the legality of their claim or the legality of their case. [...] they are still permitted to be in Canada until their case is adjudicated upon. And so Mr. Singh is still permitted to remain in Canada on the same criteria that he always was at the very beginning.”

This clarification is helpful and should inform the other broadcasts; this is one of the few instances where a lawyer’s clarification about this issue was broadcast in response to inaccurate and incomplete information that has circulated in news media.

Because they did not correct this mistake even after receiving clarifications, the broadcasters also breached Article Seven of the Radio Television News Directors Association of Canada *Code of Ethics*, which states, “errors will be quickly acknowledged and publicly corrected.”

There is no doubt that the public has been influenced by this reporting as audiences have repeated the inaccurate and decontextualized information circulated by broadcasters. The most frequent stereotype repeated about Mr. Singh on viewer response forums or call-in shows, although factually incorrect, is that he is an

“illegal.” As the quote in the *BC Almanac* show above demonstrates, the important effect of this inaccuracy has been to demonize and criminalize Mr. Laibar Singh.

Broadcasters have failed to live up to journalistic standards of integrity and have contributed to ignorance in the public sphere. The inaccurate and decontextualized coverage has betrayed the public’s expectation that media reports will be accurate and comprehensive. Given the seriousness of this situation, we hope that the CRTC will investigate fully, and that the broadcasters will remedy this situation quickly and in good faith.

In addition to an apology and public correction, we request that each broadcaster air an in-depth, well-researched backgrounder to help the public understand the refugee determination system, giving equal voice to all parties involved, and representing the case of Laibar Singh accurately and comprehensively, within its larger context.

The communication went on to mention and describe the allegedly inaccurate statements by the two broadcasters.

The *Global National* Portion of the Complaint

On **January 9, 2008 at 17:30 ET**, *Global National* ran a story in which reporter Kevin Newman stated that Laibar Singh “entered Canada illegally”. This is factually inaccurate, as clarified above, since Laibar Singh did not enter Canada illegally.

The *CTV News at Six* Portion of the Complaint

On **January 9, 2008, CTV News** (Vancouver edition) ran a story in which the reporter, Lisa Rossington, stated, “while here illegally, he suffered an aneurysm.” Since Laibar Singh had not received a deportation date prior to July 2007 and his illness occurred in 2006, this statement is factually inaccurate. The broadcasters have an opportunity with this story to educate the public about the refugee determination system. Instead, this broadcast created inaccuracies in the public sphere, which has fuelled an ignorant public response, and has thus been damaging to all asylum seekers in Canada.

The Response of Global News

The Vice President of Global News responded to Media Watch on February 15, in principal part as follows.

[...]

Regarding your specific complaint, you take issue with anchor Kevin Newman’s statement that Laibar Singh, a refugee claimant from India, “entered Canada illegally.” This complaint is based on your assertion that it is not illegal for legitimate refugees to

enter Canada using false documents. We are well aware that many refugee claimants do precisely this and are not found to be in violation of Canadian law.

In the case of Mr. Singh, however, the Canada Border Service Agency determined in July of 2007, well in advance of our broadcast, that Mr. Singh was not a legitimate refugee and therefore had entered Canada illegally and should be deported. As such, we stand by our reporting. We also stand by the reporting of correspondent Tara Nelson which gave voice to several activists who, like yourselves, disagree with the agency's ruling.

It is clear from your complaint that you will continue to pursue efforts to raise awareness of, and change, Canada's immigration and refugee processes. With a long history of reporting accurately on these processes, Global News would be pleased to hear from you and weigh the editorial merits of any future efforts you make in this regard.

The Response of CTV British Columbia

The News Director of CTV British Columbia also replied to the group on February 15. Her reply was as follows:

I am writing in response to your complaint regarding a perceived lack of accuracy and comprehensiveness in a recent news report broadcast by CTV News in British Columbia on January 9, 2008 about Laibar Singh. Specifically you are complaining about the following reference made in the newscast regarding Mr. Singh: "while here illegally, he suffered an aneurysm". We understand that you take similar issue with news reports by other media in Canada, including CBC Television, CBC Radio, Global Television and CKNW Radio.

You assert that we failed to provide accurate, fair, full and unbiased coverage in reporting that Laibar Singh was "illegal" in Canada prior to receiving his first deportation date and taking sanctuary in July 2007. You maintain that Singh was, in fact, not "illegal" until he had been ordered deported – the year after he suffered his aneurysm. You further cite a number of experts in immigration law who assert that "the fact Mr. Singh used false documents to enter Canada and claim refugee status cannot be held against him, as is stated expressly in the Geneva Convention and other instruments of international and Canadian law."

With respect to the narrow issue at hand, we understand that CTV News did err in reporting that Singh was "illegal" in Canada at the time he suffered an aneurysm. As I am sure you can appreciate, the chronology of this case is extremely complex, and clearly all recent news reports concerning Mr. Singh have occurred in the context of discussing the deportation order issued and the efforts of the Canadian Border Services Agency to execute that order. That being said, we appreciate the intricacies of refugee law and understand that it is a well-enshrined convention that refugees fleeing persecution in their home countries may only be able to escape with false documents. We accept that the reference to Mr. Singh being here illegally at the time he suffered an aneurysm was an error of chronology. However, we do not believe that such an inadvertent error has "negatively impacted all asylum seekers and betrayed the public trust", as you suggest.

CTV British Columbia has broadcast a number of stories on the Laibar Singh case and we believe that throughout the totality of our coverage, we have demonstrated our adherence to all relevant Codes, including the *RTNDA Code of Ethics* which states that

"broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance." All reports have contained representations of support from community supporters and friends of Mr. Singh. We have repeatedly broadcast their assertions, and the assertions of Mr. Singh's legal counsel, that Canada has demonstrated a failure of compassion to a man suffering a debilitating disability. We have also broadcast the assertions of critics who feel that Mr. Singh – a man whose refugee claim was deemed not credible, a man who has exhausted all legal avenues to remain in Canada – is fully able to obtain sound medical care in India and that his supporters are now demonstrating something akin to "mob rule" in thwarting the efforts of a federal agency to effect a legal deportation.

Accordingly, we do not believe it is appropriate to air an apology or a public correction or a backgrounder to help the public understand the refugee determination system, in these circumstances. Our reports about Mr. Singh were daily news reports and were not intended to be detailed investigations of the Canadian refugee system. We are however prepared to clarify the chronology when next we report on Mr. Singh's case, so it is clear that although Mr. Singh entered the country with false documents in pursuit of a refugee claim, this is an accepted and recognized practice in international law.

In closing, we believe our coverage of the Singh case – as a whole – has been fair, accurate and in the public interest and in full compliance with all codes and standards administered by the CBSC. [...]

The Ruling Requests

In submitting its Ruling Request regarding Global on February 25, Media Watch added the following points:

Global's response to the concerns raised over their inaccurate coverage of Mr. Laibar Singh's refugee case were wholly inadequate. They state that "the Canada Border Service Agency determined in July of 2007, well in advance of our broadcast, that Mr. Singh was not a legitimate refugee and therefore had entered Canada illegally and should be deported."

This response indicates that the broadcaster has not examined Canadian law before making these assertions, and simply repeats the unfounded, unresearched, and inaccurate statements that gave rise to the initial complaint.

CBSA did not state that Mr. Singh "entered Canada illegally." As numerous lawyers have pointed out to Global and other broadcasters, international and Canadian law protects **all** refugee claimants from persecution based on their need to travel on false documents for their own safety - not only those who are later accepted. Refugee claimants are legally in the country until their case is adjudicated upon and until the date of their first removal order.

In claiming once again, falsely, that Mr. Singh "entered illegally," and in the false connection made between how he entered the country (declaring his false papers upon arrival, a normal part of the refugee claim process protected by an exemption), and the government's attempt to deport him, Global has once again indicated that they did not check their facts on this matter and have not taken their responsibilities seriously. Circulating this inaccuracy, as the initial complaint indicated, has breached several ethical

codes (please see initial complaint for details). Refusing to correct the error even after receiving feedback on numerous occasions is a serious breach of journalistic ethics.

Circulating this misinformation has had a *profound* effect on Mr. Singh's case, since the government has been pushed to respond to public misconceptions, fuelled by media reports, that Mr. Singh somehow 'arrived illegally' or 'did not respect Canadian law' in coming to Canada as a refugee claimant - claims which are completely untrue.

As evidenced by numerous call-in shows, letters to the editor, and web discussion forums, even Mr. Singh's supporters appear to believe news reports that state wrongfully that he 'entered illegally.'

The media does more than just 'report' on events: the public dialogue initiated and shaped by media framing of this issue, and the government's ensuing actions in response to public misconceptions, have been impacted, or even profoundly shaped, by media reports that circulated this inaccurate information.

Members of the public writing to say he should be deported have repeated the inaccurate information from media reports as evidence, making a false link between how Mr. Singh entered the country, and why the government wants to deport him. Those opposed to him staying in Canada repeatedly claim that the reason the government should deport him is "due to his entry on false 'illegal' papers" - which is absolutely inaccurate. [...]

This information, circulating in the public sphere due to Global's carelessness, has profoundly impacted the outcome of Mr. Singh's case. The responsibility of the broadcaster in impacting the lives of refugees, now and in the future, by fuelling public ignorance around these issues, needs to be taken seriously.

If entering on false papers were cause for removal, the majority of refugees would never be allowed to seek safety in Canada. Their need to travel on false documents is recognized and protected by the Federal government as well as by international law, regardless of whether they are later accepted or refused. This was explained by immigration lawyer Catherine Sas on *BC Almanac*, and was clarified by several lawyers at public events, in press packs, in interviews, and finally in the text of the initial complaint.

In this case, there are more than 'two sides' to this story. This was more than a case of 'rule of law vs. compassion': the fact that the government never implemented the appeals division (so Mr. Singh in fact has not received the right to appeal granted him under the *Immigration and Refugee Protection Act*), the ethical issues surrounding the appeals division (single-member panels, political appointees, lack of specialized knowledge on the part of adjudicators, wildly varying acceptance rates), and the important precedent set by previous humanitarian and compassionate cases similar to Mr. Singh's, are all important 'sides' of this story left out of Global reporting.

Given the power of the media to impact public opinion, which in turn impacts government approaches to sensitive situations such as this - in which a man's life is at stake - we hope that the CBSC will investigate thoroughly.

Our specific request is for a public clarification of the inaccurate information, and for all future reports to state that Mr. Singh "declared his false travel document to authorities upon arrival, in respect of Canadian law." It would also be more responsible if Global's reports in the future would indicate that the way Mr. Singh entered the country was a normal part of the refugee process, protected by Canadian and international law, and that

he was legally in the country the entire time prior to taking sanctuary, which has a long and respected tradition in this country.

[Examples of responses made in public forums follow in the original letter.]

Media Watch filed its Ruling Request relating to the CTV British Columbia broadcast with the CBSC on March 11. Its comments relating to the CIVT-TV broadcast are cited here.

I am writing in response to your email concerning the CRTC complaint about coverage of Laibar Singh on CTV. Thank you for taking the complaint seriously and for looking into the legal realities involved in the refugee system. We appreciate and respect CTV's acknowledgement that "the reference to Mr. Singh being here illegally [...] was an error," and the commitment to clarify that travelling on false documents "is an accepted and recognized practice in international law." (Please note that is also an accepted and recognized practice in Canadian law.)

Your assertion, however, that CTV's error was not a breach of the need for "accuracy" called for in the *RTNDA Code of Ethics*, and that it was merely an "error of chronology" is inadequate. Stating that Laibar Singh was "illegal" during the years before his illness and declaring sanctuary is more than an error of chronology: it is an error of cause and effect, of accuracy, and of comprehensiveness.

Furthermore, even after agreeing to correct this misinformation, CTV once again stated on February 28, 2008, that Laibar Singh "entered illegally" [URL reference provided here]:

This breaches the *RTNDA Code of Ethics*, which states "errors will be quickly acknowledged and publicly corrected."

Perhaps more importantly, the media does more than just "report" on events: the public dialogue initiated and shaped by media framing of this issue, and the government's ensuing actions in response to public misconceptions, have been impacted, or even profoundly shaped, by media reports that circulated this inaccurate information. Members of the public writing to say he should be deported have repeated the inaccurate information from media reports as evidence. These reports, and the public recirculation of them, falsely link how Mr. Singh entered the country (which they believe to be "illegal") and the government's reasons for deporting him. Those opposed to him staying in Canada repeatedly claim that the reason the government should deport him is "due to his entry on false 'illegal' papers" - which is absolutely inaccurate. See a few examples from a recent call-in show at the end of this message.

This information, circulating in the public sphere due in part to CTV's carelessness with the facts, has profoundly impacted the outcome of Mr. Singh's case. The responsibility of broadcasters in impacting the lives of refugees, now and in the future, by fuelling public ignorance around these issues, needs to be taken seriously – it is much more than simply an "error of chronology" - it is an error of framing, and an error in the shaping of public perceptions about the reason, the cause, for Mr. Singh's threatened removal. This is much more important than a mere error of chronology – the public has been misled about why the government is attempting to deport Laibar Singh.

Circulating this misinformation has had a *profound* effect on Mr. Singh's case, since the government has been pushed to respond to public misconceptions, fuelled by media reports, that Mr. Singh somehow "arrived illegally" or "did not respect Canadian law" in coming to Canada as a refugee claimant – claims which are completely untrue. As

evidenced by numerous call-in shows, letters to the editor, and web discussion forums (see examples below), even Mr. Singh's supporters, those you quote as the "side" calling for compassion, believe that he "entered illegally." Due to the broadcaster's serious and repeated error, the public on both "sides" of this issue falsely believes that Laibar Singh is being deported because he somehow "entered illegally." It is this public belief in a false cause and effect that the broadcaster needs to correct.

If entering on false papers were cause for removal, the majority of refugees would never be allowed to seek safety in Canada. Therefore, fuelling misperceptions in the public sphere about the cause for the government's targeting of Laibar Singh has negatively impacted public perceptions of all those refugees who are forced to travel on false documents (the majority of refugees).

Mr. Singh's threatened deportation has nothing to do with how he entered Canada: he declared his false travel documents upon arrival, a normal part of the refugee process, in respect of Canadian as well as international law. Misreporting on this issue has led to extreme public ignorance about the refugee system as well as about Laibar Singh's specific case. The public has not simply received misinformation about the chronology of Laibar Singh's case, but rather has received misinformation about the reasons for his removal. This is a serious breach of "accuracy."

Furthermore, important parts of this story were completely left out of media coverage, a breach of "comprehensiveness": the fact that the government never implemented the appeals division (so Mr. Singh in fact has not received the right to appeal granted him under the *Immigration and Refugee Protection Act*), the ethical issues surrounding the appeals division (single-member panels, political appointees, lack of specialized knowledge on the part of adjudicators, wildly varying acceptance rates), and the important precedent set by previous humanitarian and compassionate cases similar to Mr. Singh's, are all important sides of this story left out of CTV's reporting.

Given the power of the media to impact public opinion, which in turn impacts government approaches to sensitive situations such as this – in which a man's life is at stake – we hope that the CRTC will investigate thoroughly.

Our specific request is for a public clarification of the inaccurate information, and for all future reports, including online, to state clearly at the beginning of each story or web article, that Mr. Singh "declared his false travel document to authorities upon arrival, in respect of Canadian law." We hope that CTV will not repeat the isolated words "came on a false passport" without providing this vital context in the same sentence, and we hope that the false information "entered illegally" will not appear in the future. It would also be responsible if CTV's reports in the future would indicate that the way Mr. Singh entered the country was a normal part of the refugee process, protected by Canadian (not just international) law, and that he was legally in the country the entire time prior to taking sanctuary, which has a long and respected tradition in this country.

Given the time sensitive nature of this issue, we hope to hear back within a reasonable delay.

[Examples of responses made in public forums follow in the original letter.]

THE DECISION

As noted above, the National Conventional Television Panel and the British Columbia Regional Panel separately examined the complaints falling under their respective jurisdictions; they did so pursuant to the following clauses of the Canadian Association of Broadcasters (CAB) *Code of Ethics* and the Radio Television News Directors Association's (RTNDA – The Association of Electronic Journalists) *Code of (Journalistic) Ethics*:

CAB Code of Ethics, Clause 5 – News

- 1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.

RTNDA Code of (Journalistic) Ethics, Article 1 – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

The Panel Adjudicators each viewed a tape of the individual broadcasts falling under their respective jurisdictions and read all of the correspondence pertaining to their respective complaints. The underlying standards issues being the same, and their conclusions when applying those principles to their respective complaints also being the same, the two Panels determined to issue a common decision. They conclude that neither of the challenged broadcasts breached either of the foregoing clauses.

What Was Said in the Newscasts?

The Panels have reviewed both of the challenged broadcasts with great care. It is clear that the word “illegally” was used once in each broadcast; however, the Panels consider it to be extremely relevant to review the context of the usage in each instance, something which the complainants have not done. Although their own insistence has been that the information broadcast has inappropriately been “decontextualized” by the broadcasters, the Media Watch complainants have disregarded the consideration of context in the broadcasters’ reporting of the most recent developments in the Laibar Singh saga as of January 2008.

The Panels provide herewith their contextualization of the two newscasts, which, in their view, make it clear that the use of the adverb “illegally” does not either colour or unbalance the thoroughness and accuracy of the two news reports.

The Global Newscast

Even accepting the terms of the complainants' concerns (on the issue of the provision of explanations regarding the customary steps in a refugee claim), in the case of the *Global National* broadcast, the Panels understand the teaser and the chronology laid down by the reporter Tara Nelson to have been thorough and accurate. To begin with, anchor Kevin Newman's first words in his teaser for the "Deportation Delayed" report were "He came to Canada on false documents," a precise recognition of the standard dilemma of refugee claimants, namely, that they are customarily forced to enter countries in which they seek refuge on that basis. Then, in his introduction of the news item itself, the news anchor referred to Singh accurately as "a paralyzed refugee claimant who [...] has evaded deportation again." It is of course here, in that ellipsis, that Newman added the words "entered Canada illegally". More of that anon; however, in terms of the presentation of the Laibar Singh context, reporter Tara Nelson referred, again accurately, to Singh as "a failed refugee claimant".

In her next intervention in the segment, she laid out the chronology carefully, accurately and, in the view of the Panel, fairly. Step by step, she said (the numbers are added by the Panels for clarity): 1) Singh came to Canada in 2003 on a forged passport and initially sought refugee status. 2) He was denied. 3) His subsequent appeals were also rejected. 4) He suffered a massive stroke and was left quadriplegic. 5) He is now seeking to stay on compassionate grounds, but that too has been rejected. 6) Last month (i.e. December 2007), Singh was ordered to leave the country.

Not only has Tara Nelson unrolled the Laibar Singh Canadian tapestry on a clear and reasonable basis, but she has also given more than ample weight to the Laibar Singh supporters. The segment was, if anything, ever so slightly unbalanced in favour of the protesting supporters, who, it must also not be forgotten, were in the end shown to have won the day. The visual backdrops were of peaceful protestors with sympathetic placards, one held by a little boy that read "One More Black Day in Canada". Two of the three outside interviewees were Singh sympathizers Harjap Grewal of the Canadian association called "No One Is Illegal", and his own lawyer. The third was a representative of the Asia Pacific Foundation who feared that a conclusion favouring Singh would open the doors unduly broadly to other refugee claimants.

The CTV British Columbia Newscast

The CIVT-TV news segment did not lay out the chronology in as much detail as Global but many of the same elements were described. 1) It is the second time that the execution of a Government deportation was thwarted (the first being a month before, on December 10, 2007). 2) Singh came to Canada in 2003 on a forged passport. 3) He was denied refugee status. 4) He suffered an aneurysm. 5) His supporters feel he would

not get proper medical treatment if he was sent back to India. It was at point 4 that reporter Lisa Rossington inserted the words “while here illegally” before “he suffered an aneurysm.”

“Illegally” in the Foregoing Context

It is not in isolation but in the context of the foregoing broadcasts that the use of the word “illegally” must be assessed. In both cases the Panels consider that the stories told were overwhelmingly accurate. Moreover, they were thorough, balanced and reasonably sympathetic to the plight of the failed disabled refugee claimant. For reasons discussed in the “Complainants’ Argument and the Role of the Refugee Legislation” section below, the Panels consider it unlikely that the complainants’ interpretation of Laibar Singh’s status is correct. Even if it were correct, though, the Panels consider it essential to note that the broadcasts complained of were just that, broadcasts. They were not legal treatises. They were not arcane analyses of, as it is sometimes said, how many angels can dance on the head of a pin. They were ordinary reports to ordinary people, the general public. That does not mean that broadcasters are entitled to be *wrong* in what they say; it means that they need not delve into obscurities to tell a straightforward story.

While it is fair for the Media Watch signatories to assert that the story of refugee claimants is more thoroughly told by explaining that, by reason of their fear of prosecution in their country of origin, refugees are often forced to travel on false or even no documents, *that* is not the story the broadcasters chose to tell in this case. It was a different tale, namely, that of a conflict between the interests of an individual seeking to remain in Canada on compassionate grounds and a Government seeking to enforce its laws and decisions. It was also a tale of the effectiveness of the peaceful placard-waving sympathizers against the Canadian Border Services personnel attempting to deport the ailing Laibar Singh in the pre-dawn hours. It was not the tale of the nature or the process of a refugee claim, much less an appreciation of appropriate terminology used in such analyses. It was the right of each broadcaster to choose which story to tell, and neither was under any obligation to treat *every aspect* of the story it decided to tell, much less every aspect of a story it had *not* chosen to recount. Nor had the broadcasters any duty, as a general principle, to educate the audience in detail on procedural issues that might have been material in reporting a different matter.

The matter at hand is reminiscent of the BC Panel’s decision in *CHEK-TV re Evening News* (CBSC Decision 94/95-0137, December 18, 1996). In that decision, the challenged newscast included a report on the non-renewal of the BC Government’s contract with advertising agency NOW Communications. The report included the statement by a Liberal MLA that NOW had been paid \$3,500 to write and print a letter to

the Premier. A viewer complained that the news item had been biased, since the station made no mention of the previous government's contracting practices or those of Liberal governments in other provinces. The Panel found that the reporting of the allegation was objective and fair. It put the matter of the stories told and not told in the following terms:

The Victoria station had covered the Liberal Member's statement as a news item and not as a lead to a broader feature story based on a general issue arising out of the news. The station may in the past have done a broader story on patronage issues. It might choose in the future to do such a story. [...] The complainant's issue seems to be that the station did not go far enough in providing the balance to the political allegation at hand by providing an historical context for any issue of pork barrel politics. [...] A news-gathering body may legitimately *choose* to research and tell such a tale but it is not *obliged* to do so every time.

In short, the Panels consider that the challenged broadcasts were fair, balanced and, in all material aspects, accurate. They find no breach of Clause 5 of the *CAB Code of Ethics* or of Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

The United Nations *Convention relating to the Status of Refugees*

It is also material to point out that the legal authorities cited in the complainants' letter each refer to *international* law at some point in the quoted content. And the Ruling Requests filed with the CBSC reiterate the relevance of international law in the following terms:

As numerous lawyers have pointed out to Global and other broadcasters, international and Canadian law protects **all** refugee claimants from persecution based on their need to travel on false documents for their own safety - not only those who are later accepted. Refugee claimants are legally in the country until their case is adjudicated upon and until the date of their first removal order.

The international law to which they refer is of course the *Convention relating to the Status of Refugees* administered by the Office of the United Nations High Commissioner for Refugees. It is instructive to consider that document's clear references to the issue of illegality. The Convention deals with the central principle that the complainants correctly underscore, namely, the frequent, anticipated need for refugees to escape their terrible predicament by fleeing with false or forged documentation in Article 31(1), under the heading "Refugees *Unlawfully* in the Country of Refugee". The Article itself also uses the term "illegal" twice.

The Contracting States shall not impose penalties, on account of their *illegal* entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their *illegal* entry or presence. [emphasis added]

The Panels understand the sensitivity of the complainants to the connotations of the word “illegal” but it considers that, for the reasons given in the previous section and on the basis of the United Nations’ own international Convention, the use of the term in the present instance by both broadcasters was correct, accurate, and fair.

The Complainants’ Argument and the Role of the Refugee Legislation

Although is the essence of the complaint that the use of the word “illegally” to describe Laibar Singh’s entry into, or presence in, Canada is inaccurate, the very authorities cited in the complaint do not in general support the complainants’ position. First, it should be made clear that Canada’s *Immigration and Refugee Protection Act* provides in Sec. 122(1) that the use of false documents to enter Canada is an indictable offence, punishable in the relevant circumstances by imprisonment for up to fourteen years. Thereafter, in order to take into account the particular case of refugees and in recognition of the international *Convention relating to the Status of Refugees* cited above, the Act provides, in Sec. 133, a *deferral* of prosecution under Sec. 122 “in relation to the coming into Canada of the person, pending disposition of their claim for refugee protection or if refugee protection is conferred.” In other words, there is no change in the *illegality* of the original possession or use of false documents, but only a protection from prosecution for a refugee claimant. Moreover, it should be noted that, in the event that refugee protection is *not* ultimately conferred, the illegal nature of the entry into Canada remains while the shelter from prosecution disappears.

There were quotations from three lawyers cited by the Media Watch group, which make the complainants’ undisputed point that refugees frequently enter countries on the basis of false documents *but* those references are not in fact supportive of the complainants’ claim that such entries are *not* illegal. Thus, for example, the statement by Janet Cleveland cited in the letter to the effect that the “fact that Mr. Singh used false documents to enter Canada and to claim refugee status *cannot be held against him*” is quite correct but it does *not* support the *legality* of Singh’s entry.

Although the part of the quotation attributed to Michael Leitold to the effect that Singh’s declaration of “his false documents [...] is a normal part of the refugee process enshrined in Canadian and international law” is also correct, Laibar Singh did not “arriv[e] legally in Canada,” as the quotation says in part, except to the extent that that language is meant to reflect his initial protection from prosecution under Sec. 122(1).

The Panels are uncertain about the accuracy of Catherine Sas’s quoted observations, in the sense that there are bits missing from the quotation at the start and in the middle. That said, the following comments are consistent with the Act: “In fact it’s quite common that refugees come to Canada on false passports, and it doesn’t change the legality of their claim or the legality of their case. [...] they are still permitted to be in Canada until

their case is adjudicated upon.” In other words, refugees are *entitled* to come to Canada on the basis of false documentation, which does not affect the validity of their underlying claim. If, however, that claim is denied, as it was in the case of Mr. Singh, the protective shield from prosecution disappears and the original illegality can be pursued by the authorities.

Broadcaster Responsiveness

It is a fundamental step in the CBSC’s process that broadcasters respond to complaints about their programming. While not required to agree with a complainant, broadcasters are expected to respond in a timely and thoughtful manner to those audience members who have taken the time to express their concerns.

In this case, Global News provided a brief but focussed letter, which outlined its defence of the challenged news segment. Global also expressed its positive attitude toward “rais[ing] awareness of, and chang[ing], Canada’s immigration and refugee processes.” It also indicated its willingness to “weigh the editorial merits of any future efforts you make in this regard.” It appeared that it would consider some broadcast participation and on-air support for any such activities. While the broadcaster’s arguments did not resonate with the complainants, the Panels consider that the broadcaster has met its obligations in terms of responsiveness and nothing further is required in this regard on this occasion.

CTV British Columbia provided a lengthy and focussed response to the complainants’ concerns. It also acknowledged that it had “err[ed] in reporting that Singh was ‘illegal’ in Canada at the time he suffered an aneurysm” and that this “was an error of chronology.” As is clear from the Panels’ reasoning above, it is the view of the Panels that CTV British Columbia was not in error from a chronological perspective, in the sense that the entry was illegal. That said, the Panels readily accept the broadcaster’s willingness to concede that point to the complainants. Notwithstanding that, the complainants did not consider that a sufficient step by CIVT-TV. That is their right. Despite the fact that this broadcaster’s arguments did not resonate with the complainants, the Panels consider that CTV British Columbia has met its obligations in terms of responsiveness and nothing further is required in this regard on this occasion.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, where, as in the present case, the decision is favourable, the station is under no obligation to announce the result.

APPENDIX

CBSC Decision 07/08-1135 & -1136

CIVT-TV re a report on *CTV News at Six* & Global re a report on *Global National* (“Deportation Delayed”)

The Complaint

The following complaint from a group identifying itself as Media Watch dated January 18, 2008 was sent to the CRTC and forwarded to the CBSC in due course:

CRTC Complaint regarding Accuracy and Comprehensiveness In recent coverage of Laibar Singh story, January 18, 2008

As media analysts, academics, and journalists, we are writing with concerns about the lack of accuracy and comprehensiveness in recent media coverage of the Laibar Singh story.

Broadcasters failed to provide accurate, comprehensive, fair, full, and unbiased coverage when they reported falsely that Laibar Singh "came to Canada illegally" or that he "was illegal" in Canada prior to receiving his first deportation date and taking sanctuary in July 2007. This decontextualized and/or inaccurate information has fuelled ignorance in the public sphere about Laibar Singh, has negatively impacted all asylum seekers to Canada, and has betrayed the public trust.

Media outlets have had access to accurate information to correct these mistakes, including press releases quoting lawyers, law professors, and legal advocates clarifying the law in this matter. These statements are being re-included here:

Lawyer Michael A. Leitold of Roach, Schwartz & Associates and a member of the Law Union of Ontario Steering Committee stated publicly, "Contrary to media reports, Laibar arrived legally in Canada, and declared his false documents, which is a normal part of the refugee process enshrined in Canadian and international law."

Janet Cleveland, Canada Research Chair in International Migration Law at the Université de Montréal stated publicly: "The fact that Mr. Singh used false documents to enter Canada and to claim refugee status cannot be held against him, as is stated expressly in the Geneva Convention and other instruments of international and Canadian law."

These legal experts and others have explained to reporters, editors, and talk show hosts on several occasions the distinction between "entering illegally," and traveling to Canada on false documents, which is *not* illegal for asylum seekers, who are protected by an exemption under Canadian immigration law and regulations. Furthermore, it has been clarified multiple times that Mr. Laibar Singh was in Canada "legally" for the entire duration of his stay in Montreal and Vancouver from 2003-2007, prior to publically [*sic*] taking sanctuary in July 2007 when he received his first deportation order.

In failing to contextualize in a comprehensive manner and/or falsely reporting that

**Mr. Laibar Singh entered Canada “illegally” or was staying in Canada “illegally,”
broadcasters breached a fundamental principle of journalism.**

Article One of the Radio Television News Directors Association of Canada *Code of Ethics*, states that “Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.” Furthermore, Clause 5 of the Canadian Broadcast Standards Council *Code of Ethics* states “it shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias.”

Clause 6 states, “the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster.” In reporting inaccurate, incomplete, and/or decontextualized information about the refugee determination system as it applied to Mr. Singh’s situation, broadcasters breached these ethical codes.

In fact, immigration lawyer Catherine Sas appeared on CBC radio's show *BC Almanac* on Jan 9, 2008, and contrary to statements by phone-in guests on that show, specifically clarified that it is not illegal in Canada for asylum seekers to travel on false documents, since Canadian and International law provide an exemption that protects the right of asylum seekers fleeing their home countries and allows them to travel on false or incomplete documentation. Sas clarified that Laibar Singh is “using legal avenues to see if he will be allowed to stay.” One caller, demonstrating the general state of ignorance that has been fuelled by media inaccuracies, stated: “They are saying he has to be deported because he came into this country with an illegal forged passport. That is against the law.” The show’s host in this case clarified in a responsible manner by asking the lawyer to explain: “it is legal to come to Canada on a false passport. In fact it’s quite common that refugees come to Canada on false passports, and it doesn’t change the legality of their claim or the legality of their case. [...] they are still permitted to be in Canada until their case is adjudicated upon. And so Mr. Singh is still permitted to remain in Canada on the same criteria that he always was at the very beginning.”

This clarification is helpful and should inform the other broadcasts; this is one of the few instances where a lawyer’s clarification about this issue was broadcast in response to inaccurate and incomplete information that has circulated in news media.

Because they did not correct this mistake even after receiving clarifications, the broadcasters also breached Article Seven of the Radio Television News Directors Association of Canada *Code of Ethics*, which states, “errors will be quickly acknowledged and publicly corrected.”

There is no doubt that the public has been influenced by this reporting as audiences have repeated the inaccurate and decontextualized information circulated by broadcasters. The most frequent stereotype repeated about Mr. Singh on viewer response forums or call-in shows, although factually incorrect, is that he is an “illegal.” As the quote in the *BC Almanac* show above demonstrates, the important effect of this inaccuracy has been to demonize and criminalize Mr. Laibar Singh.

Broadcasters have failed to live up to journalistic standards of integrity and have contributed to ignorance in the public sphere. The inaccurate and decontextualized coverage has betrayed the public’s expectation that media reports will be accurate and comprehensive. Given the seriousness of this situation, we hope that the CRTC will investigate fully, and that the broadcasters will remedy this situation quickly and in good faith.

In addition to an apology and public correction, we request that each broadcaster air an in-depth, well-researched backgrounder to help the public understand the

refugee determination system, giving equal voice to all parties involved, and representing the case of Laibar Singh accurately and comprehensively, within its larger context.

The complaint then went on to provide specific dates and times of broadcasts by CBC Television, CBC Radio, Global, CTV British Columbia and CKNW. The complaints about CBC were retained by the CRTC since it is not a CBSC member. The CBSC processed the complaints about Global, CTV British Columbia and CKNW. The National Conventional Television Panel is adjudicating the complaint against Global, while the British Columbia Regional Panel will adjudicate the complaint against CTV British Columbia. The complainant group did not file a Ruling Request against CKNW.

The details of the complaint against CTV British Columbia were as follows:

CTV

On **January 9, 2008, CTV News** (Vancouver edition) ran a story in which the reporter, Lisa Rossington, stated, “while here illegally, he suffered an aneurysm.” Since Laibar Singh had not received a deportation date prior to July 2007 and his illness occurred in 2006, this statement is factually inaccurate. The broadcasters have an opportunity with this story to educate the public about the refugee determination system. Instead, this broadcast created inaccuracies in the public sphere, which has fuelled an ignorant public response, and has thus been damaging to all asylum seekers in Canada.

The details of the complaint against Global were as follows:

Global

On **January 9, 2008 at 17:30 ET**, *Global National* ran a story in which reporter Kevin Newman stated that Laibar Singh “entered Canada illegally”. This is factually inaccurate, as clarified above, since Laibar Singh did not enter Canada illegally.

The complainant group also provided a transcript of that report.

Broadcasters’ Responses

CTV responded on February 15:

I am writing in response to your complaint regarding a perceived lack of accuracy and comprehensiveness in a recent news report broadcast by CTV News in British Columbia on January 9, 2008 about Laibar Singh. Specifically you are complaining about the following reference made in the newscast regarding Mr. Singh: “while here illegally, he suffered an aneurysm”. We understand that you take similar issue with news reports by other media in Canada, including CBC Television, CBC Radio, Global Television and CKNW Radio.

You assert that we failed to provide accurate, fair, full and unbiased coverage in reporting that Laibar Singh was “illegal” in Canada prior to receiving his first deportation date and taking sanctuary in July 2007. You maintain that Singh was, in fact, not “illegal” until he had been ordered deported – the year after he suffered his aneurysm. You further cite a number

of experts in immigration law who assert that “the fact Mr. Singh used false documents to enter Canada and claim refugee status cannot be held against him, as is stated expressly in the Geneva Convention and other instruments of international and Canadian law.”

With respect to the narrow issue at hand, we understand that CTV News did err in reporting that Singh was “illegal” in Canada at the time he suffered an aneurysm. As I am sure you can appreciate, the chronology of this case is extremely complex, and clearly all recent news reports concerning Mr. Singh have occurred in the context of discussing the deportation order issued and the efforts of the Canadian Border Services Agency to execute that order. That being said, we appreciate the intricacies of refugee law and understand that it is a well-enshrined convention that refugees fleeing persecution in their home countries may only be able to escape with false documents. We accept that the reference to Mr. Singh being here illegally at the time he suffered an aneurysm was an error of chronology. However, we do not believe that such an inadvertent error has “negatively impacted all asylum seekers and betrayed the public trust”, as you suggest.

CTV British Columbia has broadcast a number of stories on the Laibar Singh case and we believe that throughout the totality of our coverage, we have demonstrated our adherence to all relevant Codes, including the *RTNDA Code of Ethics* which states that “broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.” All reports have contained representations of support from community supporters and friends of Mr. Singh. We have repeatedly broadcast their assertions, and the assertions of Mr. Singh’s legal counsel, that Canada has demonstrated a failure of compassion to a man suffering a debilitating disability. We have also broadcast the assertions of critics who feel that Mr. Singh – a man whose refugee claim was deemed not credible, a man who has exhausted all legal avenues to remain in Canada – is fully able to obtain sound medical care in India and that his supporters are now demonstrating something akin to “mob rule” in thwarting the efforts of a federal agency to effect a legal deportation.

Accordingly, we do not believe it is appropriate to air an apology or a public correction or a backgrounder to help the public understand the refugee determination system, in these circumstances. Our reports about Mr. Singh were daily news reports and were not intended to be detailed investigations of the Canadian refugee system. We are however prepared to clarify the chronology when next we report on Mr. Singh’s case, so it is clear that although Mr. Singh entered the country with false documents in pursuit of a refugee claim, this is an accepted and recognized practice in international law.

In closing, we believe our coverage of the Singh case – as a whole – has been fair, accurate and in the public interest and in full compliance with all codes and standards administered by the CBSC. CIVT is a member in good standing of the CBSC and follows the Council’s guidelines. Thank you for bringing this matter to our attention.

Global responded on February 15:

Dear Media Watch,

I have received a copy of your complaint regarding a story broadcast by *Global National* on January 9th, 2008. Your complaint raises interesting questions, and I hope this letter will help to address your concerns as they relate to Global News.

As responsible broadcasters, our entire news team strives to uphold the highest level of journalistic integrity and ethics at all times. Our staff members are educated to produce material in accordance with community standards and with the Canadian Association of Broadcasters’ (CAB) *Code of Ethics*, *Sex-Role Portrayal Code*, and the *Voluntary Code*

Regarding Violence in Television Programming. Global News also adheres to the Radio Television News Directors Association of Canada (RTNDA) *Code of Ethics*.

Regarding your specific complaint, you take issue with anchor Kevin Newman's statement that Laibar Singh, a refugee claimant from India, "entered Canada illegally." This complaint is based on your assertion that it is not illegal for legitimate refugees to enter Canada using false documents. We are well aware that many refugee claimants do precisely this and are not found to be in violation of Canadian law.

In the case of Mr. Singh, however, the Canada Border Service Agency determined in July of 2007, well in advance of our broadcast, that Mr. Singh was not a legitimate refugee and therefore had entered Canada illegally and should be deported. As such, we stand by our reporting. We also stand by the reporting of correspondent Tara Nelson which gave voice to several activists who, like yourselves, disagree with the agency's ruling.

It is clear from your complaint that you will continue to pursue efforts to raise awareness of, and change, Canada's immigration and refugee processes. With a long history of reporting accurately on these processes, Global News would be pleased to hear from you and weigh the editorial merits of any future efforts you make in this regard.

Thank you for your letter and your concerns.

Additional Correspondence

Media Watch replied to CTV British Columbia on March 11:

I am writing in response to your email concerning the CRTC complaint about coverage of Laibar Singh on CTV. Thank you for taking the complaint seriously and for looking into the legal realities involved in the refugee system. We appreciate and respect CTV's acknowledgement that "the reference to Mr. Singh being here illegally [...] was an error," and the commitment to clarify that travelling on false documents "is an accepted and recognized practice in international law." (Please note that is also an accepted and recognized practice in Canadian law.)

Your assertion, however, that CTV's error was not a breach of the need for "accuracy" called for in the *RTNDA Code of Ethics*, and that it was merely an "error of chronology" is inadequate. Stating that Laibar Singh was "illegal" during the years before his illness and declaring sanctuary is more than an error of chronology: it is an error of cause and effect, of accuracy, and of comprehensiveness.

Furthermore, even after agreeing to correct this misinformation, CTV once again stated on February 28, 2008, that Laibar Singh "entered illegally":

http://www.ctvbc.ca/servlet/an/local/CTVNews/20080228/BC_laibar_singh_bond_080228/20080228/?hub=BritishColumbiaHome

This breaches the *RTNDA Code of Ethics*, which states "errors will be quickly acknowledged and publicly corrected."

Perhaps more importantly, the media does more than just "report" on events: the public dialogue initiated and shaped by media framing of this issue, and the government's ensuing actions in response to public misconceptions, have been impacted, or even profoundly shaped, by media reports that circulated this inaccurate information. Members of the public

writing to say he should be deported have repeated the inaccurate information from media reports as evidence. These reports, and the public recirculation of them, falsely link how Mr. Singh entered the country (which they believe to be “illegal”) and the government’s reasons for deporting him. Those opposed to him staying in Canada repeatedly claim that the reason the government should deport him is “due to his entry on false ‘illegal’ papers” - which is absolutely inaccurate. See a few examples from a recent call-in show at the end of this message.

This information, circulating in the public sphere due in part to CTV’s carelessness with the facts, has profoundly impacted the outcome of Mr. Singh’s case. The responsibility of broadcasters in impacting the lives of refugees, now and in the future, by fuelling public ignorance around these issues, needs to be taken seriously – it is much more than simply an “error of chronology” - it is an error of framing, and an error in the shaping of public perceptions about the reason, the cause, for Mr. Singh’s threatened removal. This is much more important than a mere error of chronology – the public has been misled about why the government is attempting to deport Laibar Singh.

Circulating this misinformation has had a *profound* effect on Mr. Singh’s case, since the government has been pushed to respond to public misconceptions, fuelled by media reports, that Mr. Singh somehow “arrived illegally” or “did not respect Canadian law” in coming to Canada as a refugee claimant – claims which are completely untrue. As evidenced by numerous call-in shows, letters to the editor, and web discussion forums (see examples below), even Mr. Singh’s supporters, those you quote as the “side” calling for compassion, believe that he “entered illegally.” Due to the broadcaster’s serious and repeated error, the public on both “sides” of this issue falsely believes that Laibar Singh is being deported because he somehow “entered illegally.” It is this public belief in a false cause and effect that the broadcaster needs to correct.

If entering on false papers were cause for removal, the majority of refugees would never be allowed to seek safety in Canada. Therefore, fuelling misperceptions in the public sphere about the cause for the government’s targeting of Laibar Singh has negatively impacted public perceptions of all those refugees who are forced to travel on false documents (the majority of refugees).

Mr. Singh’s threatened deportation has nothing to do with how he entered Canada: he declared his false travel documents upon arrival, a normal part of the refugee process, in respect of Canadian as well as international law. Misreporting on this issue has led to extreme public ignorance about the refugee system as well as about Laibar Singh’s specific case. The public has not simply received misinformation about the chronology of Laibar Singh’s case, but rather has received misinformation about the reasons for his removal. This is a serious breach of “accuracy.”

Furthermore, important parts of this story were completely left out of media coverage, a breach of “comprehensiveness”: the fact that the government never implemented the appeals division (so Mr. Singh in fact has not received the right to appeal granted him under the *Immigration and Refugee Protection Act*), the ethical issues surrounding the appeals division (single-member panels, political appointees, lack of specialized knowledge on the part of adjudicators, wildly varying acceptance rates), and the important precedent set by previous humanitarian and compassionate cases similar to Mr. Singh’s, are all important sides of this story left out of CTV’s reporting.

Given the power of the media to impact public opinion, which in turn impacts government approaches to sensitive situations such as this – in which a man’s life is at stake – we hope that the CRTC will investigate thoroughly.

Our specific request is for a public clarification of the inaccurate information, and for all future reports, including online, to state clearly at the beginning of each story or web article, that Mr. Singh "declared his false travel document to authorities upon arrival, in respect of Canadian law." We hope that CTV will not repeat the isolated words "came on a false passport" without providing this vital context in the same sentence, and we hope that the false information "entered illegally" will not appear in the future. It would also be responsible if CTV's reports in the future would indicate that the way Mr. Singh entered the country was a normal part of the refugee process, protected by Canadian (not just international) law, and that he was legally in the country the entire time prior to taking sanctuary, which has a long and respected tradition in this country.

Given the time sensitive nature of this issue, we hope to hear back within a reasonable delay.

The following is a small sample of the kind of ignorant responses made in public forums, influenced by media inaccuracies. The impact of this misguided public opinion on the government's ensuing response to the case must be taken into account in any discussion of media ethics in this case.

"With respect to Mr. Singh, I think his present condition does pull the strings of compassion, despite the just result of his actions leading to his entry to this country ... he does need to recognize that his actions in coming to Canada were illegal, and a violation of the whole basis of the life for which he is seeking."

"Regarding the case of Laibur Singh seeking 'sanctuary', his situation is truly tragic but the fact remains that he did enter Canada illegally."

"Mr. Singh arrived in Canada on a forged illegal passport. I do not believe it is in Canada's best interests to admit persons who have committed crimes in the process of getting here."

"Refugees are legitimate and welcome members of our society, but where they use criminal means to land here their character is suspect."

"supporters of Mr. Singh closed down an international airport to support a person who fraudulently entered our country ... I suggest that a few of his fervent friends return to India with him and help him to legally apply for entry to Canada."

(source: <http://www.cbc.ca/checkup/Letters2008/letters080120.html>)

Sincerely,

Media Watch et al (please see original complaint for full list of signees)

Media Watch submitted its Ruling Request regarding Global on February 25 with the following additional points:

Global's response to the concerns raised over their inaccurate coverage of Mr. Laibar Singh's refugee case were wholly inadequate. They state that "the Canada Border Service Agency determined in July of 2007, well in advance of our broadcast, that Mr. Singh was not a legitimate refugee and therefore had entered Canada illegally and should be deported."

This response indicates that the broadcaster has not examined Canadian law before making these assertions, and simply repeats the unfounded, unresearched, and inaccurate statements that gave rise to the initial complaint.

CBSA did not state that Mr. Singh "entered Canada illegally." As numerous lawyers have pointed out to Global and other broadcasters, international and Canadian law protects *all* refugee claimants from persecution based on their need to travel on false documents for their own safety - not only those who are later accepted. Refugee claimants are legally in the country until their case is adjudicated upon and until the date of their first removal order.

In claiming once again, falsely, that Mr. Singh "entered illegally," and in the false connection made between how he entered the country (declaring his false papers upon arrival, a normal part of the refugee claim process protected by an exemption), and the government's attempt to deport him, Global has once again indicated that they did not check their facts on this matter and have not taken their responsibilities seriously. Circulating this inaccuracy, as the initial complaint indicated, has breached several ethical codes (please see initial complaint for details). Refusing to correct the error even after receiving feedback on numerous occasions is a serious breach of journalistic ethics.

Circulating this misinformation has had a *profound* effect on Mr. Singh's case, since the government has been pushed to respond to public misconceptions, fuelled by media reports, that Mr. Singh somehow 'arrived illegally' or 'did not respect Canadian law' in coming to Canada as a refugee claimant - claims which are completely untrue.

As evidenced by numerous call-in shows, letters to the editor, and web discussion forums, even Mr. Singh's supporters appear to believe news reports that state wrongfully that he 'entered illegally.'

The media does more than just 'report' on events: the public dialogue initiated and shaped by media framing of this issue, and the government's ensuing actions in response to public misconceptions, have been impacted, or even profoundly shaped, by media reports that circulated this inaccurate information.

Members of the public writing to say he should be deported have repeated the inaccurate information from media reports as evidence, making a false link between how Mr. Singh entered the country, and why the government wants to deport him. Those opposed to him staying in Canada repeatedly claim that the reason the government should deport him is "due to his entry on false 'illegal' papers" - which is absolutely inaccurate. See a few examples from a recent Rex Murphy call-in show at the end of this message.

This information, circulating in the public sphere due to Global's carelessness, has profoundly impacted the outcome of Mr. Singh's case. The responsibility of the broadcaster in impacting the lives of refugees, now and in the future, by fuelling public ignorance around these issues, needs to be taken seriously.

If entering on false papers were cause for removal, the majority of refugees would never be allowed to seek safety in Canada. Their need to travel on false documents is recognized and protected by the Federal government as well as by international law, regardless of whether they are later accepted or refused. This was explained by immigration lawyer Catherine Sas on *BC Almanac*, and was clarified by several lawyers at public events, in press packs, in interviews, and finally in the text of the initial complaint.

In this case, there are more than 'two sides' to this story. This was more than a case of 'rule of law vs. compassion': the fact that the government never implemented the appeals division (so Mr. Singh in fact has not received the right to appeal granted him under the *Immigration and Refugee Protection Act*), the ethical issues surrounding the appeals division (single-member panels, political appointees, lack of specialized knowledge on the part of adjudicators, wildly varying acceptance rates), and the important precedent set by previous

humanitarian and compassionate cases similar to Mr. Singh's, are all important 'sides' of this story left out of Global reporting.

Given the power of the media to impact public opinion, which in turn impacts government approaches to sensitive situations such as this - in which a man's life is at stake - we hope that the CBSC will investigate thoroughly.

Our specific request is for a public clarification of the inaccurate information, and for all future reports to state that Mr. Singh "declared his false travel document to authorities upon arrival, in respect of Canadian law." It would also be more responsible if Global's reports in the future would indicate that the way Mr. Singh entered the country was a normal part of the refugee process, protected by Canadian and international law, and that he was legally in the country the entire time prior to taking sanctuary, which has a long and respected tradition in this country.

Sincerely,

Media Watch et al (please see original complaint for full list of signees)

Note: The following is a small sample of the kind of ignorant responses made in public forums, influenced by media inaccuracies. The impact of this misguided public opinion on the government's ensuing response to the case must be taken into account in any discussion of media ethics in this case.

"With respect to Mr. Singh, I think his present condition does pull the strings of compassion, despite the just result of his actions leading to his entry to this country ... he does need to recognize that his actions in coming to Canada were illegal, and a violation of the whole basis of the life for which he is seeking."

"Regarding the case of Laibar Singh seeking 'sanctuary', his situation is truly tragic but the fact remains that he did enter Canada illegally."

"Mr. Singh arrived in Canada on a forged illegal passport. I do not believe it is in Canada's best interests to admit persons who have committed crimes in the process of getting here."
"Refugees are legitimate and welcome members of our society, but where they use criminal means to land here, their character is suspect."

"supporters of Mr. Singh closed down an international airport to support a person who fraudulently entered our country ... I suggest that a few of his fervent friends return to India with him and help him to legally apply for entry to Canada."

(source: <http://www.cbc.ca/checkup/Letters2008/letters080120.html>)