



Canadian Broadcast Standards Council  
Conseil canadien des normes de la radiotélévision

Notes for an address

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to the Standing Committee on Canadian Heritage

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(CHECK AGAINST DELIVERY)

Thank you very much.

My name is Ronald Cohen. I am the National Chair of the Canadian Broadcast Standards Council. With me today is John MacNab, Executive Director of the CBSC.

I thank the Committee for inviting us to express our views on the Bill. We are also grateful that we have been accorded the opportunity to speak at the end of these deliberations. It gives us the opportunity to respond to issues raised during the appearance of other witnesses. And we will of course look forward to the additional questions you will have for us.

Let us begin by making our position utterly clear. We do not believe that Bill C-327 is either necessary *or even moderately useful* in dealing with the issue of violence on television.

We have filed a written presentation with the Committee Clerk that will hopefully provide a useful tour d'horizon of the issue. I will try to limit this oral presentation to the clarification of matters raised by witnesses and Hon. Members of this Committee.

**First, the nature and extent of the problem, namely, the exposure of our children to violence in the media. Is problematic violent content increasing or decreasing?**

The answer is that it is decreasing. The best evidence of this is the level of complaints filed with the CBSC and the CRTC. These indicate that, between 2000 and February 2008, the level of complaints about violence on television has *fallen* by 22%.

The statistics cited by Mr. Bigras are neither recent nor appropriate. They do not extend beyond 2002, and, even then, they do not disclose what they cover or represent.

It is essential to acknowledge that *not all violence is created equal*. And yet the original Laval study of MM. De Guise et Paquette covering the period 1993-1998 made no distinction between appropriate and inappropriate violence. Mr. Bigras referred to the eminent authority in the area, Prof. George Gerbner, with great respect on Tuesday but what he did not acknowledge was that the Laval study *did not follow* Gerbner's methodology. The authors of the Laval study said,

Contrairement à Gerbner, qui considère les *séquences* de violence, nous avons

décidé de compter les *actes* violents, de sorte que dans cette étude *chaque geste, chaque action et chaque événement distincts sont considérés comme des actes de violence séparés.*

Those are *their* words. They underscore that the numbers are exaggerated. Moreover, they make no distinction between our common goal of protecting *children*, on the one hand, and violence that may not be problematic or inappropriate at all, on the other.

The bottom line is that there is *no evidence* that there is, in 2008, any problem that needs Parliamentary intervention of any kind.

**Second**, *the system is actually working.*

When Mr. Scott observed on Tuesday that he knew that Mr. Bigras believed that the present system was failing, he added that he had not understood M. Bigras's explanation as to why he thought that the system was failing. Nor will the Committee members have missed the response to the question put by Mr. Abbott, regarding the absence of complaints about children's programming subsequent to the CBSC's *Power Rangers* decision. Mr. Bigras was unable to cite a single example of problematic children's programming since the 1994 CBSC decision. It is because there has not been one.

**Third**, *much justification for C-327 has been placed on the fact that the Violence Code is voluntary.*

The only aspect of the Violence Code that is voluntary is its title. As the CRTC Chairman said on Tuesday, the Code is "obligatory". It is a Condition of Licence for every television broadcaster in Canada. It could not be more un-voluntary.

Moreover, the statement by Mr. Bigras that the adjudication is undertaken by *industry peers* is totally wrong. The Adjudicating Panels are *all* composed of at least 50% members of the public, including former CRTC Commissioners, former Members of Parliament and Cabinet Ministers, a former provincial Premier, a former Lieutenant-Governor, communications professors, the former head of the Vanier Institute of the Family, the head of Centre de Recherches-Action sur les Relations Raciales, the former head of MediaWatch, and many other highly credible and committed Canadians, who are devoted to public service.

**Fourth**, *much emphasis has been placed on the fact that the Violence Code is the creation of the private broadcasters.*

I will not dwell on the notion that, because broadcasters had something to do with

its creation, they would have done so only to serve their own self-interest. That concept is outrageous. Any one of you will readily confirm on the basis of your own constituency experience that local broadcasters devote considerable time, energy, resources, and promotional benefits to telethons and other local community initiatives. In good times, in bad, in ice storms, fires and floods, broadcasters are there for the good of the public.

Leaving that aside, do not forget for an instant that, as the CRTC Chairman pointed out on Tuesday, the Commission vetted every word of the Violence Code before it was approved. And, having participated in that process in 1993, I can tell you, on an anecdotal basis, that the wording went back and forth several times before all of the CRTC's issues were resolved.

Moreover, the consultation process with stakeholders was substantial. During the development of the code, comments were invited from many public representatives, a list of which is appended to the CBSC's written presentation. The public organizations included MediaWatch, Owl Centre for Children's Film and Television, the Alliance for Children and Television, l'Association nationale des téléspectateurs, le Groupe de recherche sur les jeunes et les médias, Pour la coalition contre la violence dans les émissions pour enfants, le Conseil du statut de la femme, Canadians Concerned About Violence in Entertainment, the Animal Alliance of Canada, and others.

***Fifth, Mr. Bigras is not satisfied by the present complaints-driven system; he proposes a monitoring system of some unspecified description.***

I fully expect that Mr. Bigras was surprised, if not shocked, to learn that both the CRTC and the CBSC operate on the basis of complaints made to them. That was unequivocally confirmed by the CRTC Chairman on Tuesday. And that is as it should be, for two reasons.

First, censorship is anathema to Canadians. When Mr. Abbott asked Mr. Bigras whether the Bill's proposer was not talking about censorship, Mr. Bigras was at pains to avoid such a characterization. He admitted that he did not favour censorship. Yet that is essentially the effect of Bill C-327. Let us not mince words; that is exactly what a monitoring system *not based on public complaints* is. Censorship. Nothing more, nothing less.

Second, the cost issue. In response to the questions put to the CRTC Chairman by Ms. Fry, Mr. von Finckenstein said that you could have an inspection system, a monitoring system or a reporting system but they would be both costly and intrusive. As he concluded, the present system strikes a nice balance between the protection of the public and the punishment of any offending broadcaster.

What is more, the present system is paid for by the broadcasters, not by the general public.

**Sixth**, is the system tough enough?

There is not the slightest doubt that it is. Thanks to the CBSC *alone*, the *Power Rangers* left Canadian airwaves. So, too, Howard Stern, Laura Schlessinger, Stéphane Gendron and Doc Mailloux. And in the children's television area, no inappropriate violent programming has ever replaced the *Power Rangers* in the last 14 years.

**Seventh**, Mr. Bigras suggested that the American system is superior. In response to a question by Mme Mourani, he concluded that the American ratings are more "rigorous".

This is a curious conclusion, since there is no body in the United States that deals with violence on television. None. Period. Not the FCC (the equivalent of the CRTC). Not any self-regulatory body; there is nobody watching, nobody enforcing.

**In conclusion**, the question for the Standing Committee is whether there is any *need* for a regulatory, rather than a self-regulatory, system, a statutory amendment or a Government regulation rather than an industry code.

If there were a problem that the present system could not deal with, of course there would be. But there is not a shred of evidence that the present system does not work.

Thanks to the private broadcasters and the CRTC, Canadians have the best codified protections for children's programming in the world. Thanks to the CBSC, those standards are rigorously enforced.

Thank you. We will be pleased to answer your questions.