

January 27, 2009

Review by the Ombudsman, French Services

Complaint filed by the Falun Dafa Association of Canada regarding the investigative report entitled *Malaise dans le Chinatown*, broadcast on October 30, 2008, on Télévision de Radio-Canada

SUMMARY

The complainants believe that the investigative report *Malaise dans le Chinatown* is erroneous, manipulative and propagandistic, and has unjustly misrepresented, demeaned, maligned and discriminated against the spiritual practice of Falun Gong.

The report would have been more balanced had it contained an interview with Falun Gong spokespeople. However, the spokespeople refused to grant an on-camera interview.

I have expressed reservations about the selection of two interview clips and the formulation of one question, but the report is otherwise based on serious research, journalistic observations in the field, and analysis by recognized experts.

The complaints are unfounded.

COMPLAINTS

On October 30, 2008, the program *Enquête* broadcast an investigative report entitled *Malaise dans le Chinatown*, probing the Falun Gong movement's organization outside China and its impact on Chinese communities, particularly the Chinese community in Montreal. Falun Gong is a religious movement whose practitioners are persecuted by the Chinese authorities. The story can be viewed at the link below:

<http://www.radio-canada.ca/emissions/enquete/2008-2009/Reportage.asp?idDoc=67209>

The Ombudsman's office has received some twenty complaints about the report. The Falun Dafa Association of Canada, which represents Falun Gong members, has submitted a 28-page complaint signed by its president, Xun Li, to the Ombudsman. Below is a brief excerpt:

“[...] their program unjustly misrepresented, demeaned, maligned and discriminated against the spiritual practice of Falun Gong, which is currently suffering a brutal and internationally recognized persecution at the hands of China's Communist regime. Their program also fabricated a deceptive impression of suspicion about Falun Gong, thus undermining Falun Gong's efforts to raise awareness of the brutal persecution at the hands of the Chinese regime....”

The full text of the complaint is available at the link below:

http://xiuxian.no-ip.info/rescue/upload_images/Submission_CBC_Ombudsman_FDAC-final.pdf

Radio-Canada management responded to the complaint as follows:

“[...] The feature does not deny that Falun Gong members living in China are experiencing serious difficulties with the authorities. On the contrary, it clearly stated this [that these difficulties exist].... We felt that the numerous legal proceedings involving the Falun Gong in Canada, along with the many calls to the police concerning the group's actions in Montreal, fully justified our interest in the issue and our attempts to understand what was going on...¹”

¹ Appendix II : The full text of the response

One of the people interviewed, former Member of Parliament David Kilgour, also filed a complaint with my office, in conjunction with David Matas, a lawyer. Mr. Kilgour and Mr. Matas wrote a report on the allegations of organ harvesting among Falun Gong practitioners:

“[...] The show “Enquête” episode titled “Malaise in Chinatown” was inaccurate, manipulative, propagandistic and spiteful in a myriad of ways...”

Management defended the story, but Mr. Kilgour and Mr. Matas were not satisfied with the explanations they have received. The full text of their complaint can be viewed at the link below:

<http://ahdu88.blogspot.com/2008/12/david-matas-letter-to-ombudsman-on-cbc.html>

REVIEW

I met with the journalists involved and two representatives from the Falun Dafa Association of Canada, Lucy Zhou and Michael Mahonen, viewed unaired segments of the interviews in question, and read the hundreds of pages of relevant documents provided by the two parties.

Situation in China

The complainants believe that the report “did not provide the context of the persecution of Falun Gong,” and made “no attempt to examine numerous other forms of persecution suffered by Falun Gong.”

Below is a transcript of the introduction to the broadcast, by host Alain Gravel:

“We heard a great deal about the repression of Tibetans when the Olympic Games were held in Beijing. But Tibetans are not the only group being persecuted: members of the religious movement Falun Gong are also a target.

Falun Gong practitioners are increasingly visible in expatriate Chinese communities, and Montreal’s Chinatown is no exception. This is an investigation of the little-known face of Falun Gong, whose presence in our cities is making many feel uneasy. ”

For about half the introduction, the host focuses on the repression of Tibetans and Falun Gong practitioners. At almost the very beginning of the story, here is what is said on the movement's historical context and violations of Falun Gong practitioners' rights:

NARRATION: "We don't know much about Falun Gong. Founded in China about fifteen years ago, it is a discipline that promises to heal the body and the spirit. Its practice involves stylized movement similar to tai chi, meditation, and the practice of the three virtues: truthfulness, compassion and tolerance. Within a very short time, the movement drew tens of millions of practitioners in China."

INTERVIEW WITH LOÏC TASSÉ, CHINA-WATCHER, UNIVERSITÉ DE MONTRÉAL: "The Falun Gong movement grew inside China, but the Chinese government did not see it happen. This is the central problem you see. The Chinese government is used to controlling any association in China that can potentially exercise political influence."

NARRATION: "So the Chinese government was amazed to see the size of the movement when 10,000 practitioners had the courage to challenge it on April 25, 1999: in silence, they ringed Communist Party headquarters in Beijing to protest the arrest of some of their number. This was ten years after the historic events in Tiananmen Square. The Chinese government wasted no time in responding. Quickly banning the practice of Falun Gong, it labelled the movement dangerous and antisocial, and launched a campaign to eradicate it. Beijing also issued an international warrant for the arrest of the movement's leader, Li Hongzhi, who lives in exile in New York."

INTERVIEW WITH LOÏC TASSÉ: "The Chinese government is doing everything it can to break the movement and eradicate it from China."

NARRATION: "Many practitioners fled China and settled in all parts of the world. Some of them obtained refugee status in Canada."

The introduction takes about 1 minute and 50 seconds. It is clear, and its statements are presented unequivocally as facts:

"[...] launched a campaign to eradicate [the movement]. [...] The Chinese government is doing everything it can to break the movement and eradicate it from China...."

In its complaint, Falun Gong provided many additional statistics on the extent of arrest and ill treatment of its practitioners, and would have liked them to feature in the report. That is understandable, but their absence does not mean the report is biased. With a free press, journalists have a great deal of leeway in their editorial choices, provided they comply with the three principles underpinning CBC/Radio-Canada's *Journalistic Standards and Practices*: accuracy, fairness and integrity.²

Freedom of the press and the public interest

Falun Gong would have liked the *Enquête* report to focus on the persecution of its practitioners in China, not on the tactics by which the movement responds to Chinese propaganda. In a democratic society, however, editorial choices are not determined by religious movements, pressure groups or governments. If it were, the press would no longer be free.

Freedom of the press is a cornerstone of our society, since freedom itself cannot flourish without the free flow and exchange of ideas, opinions and information.

(Journalistic Standards and Practices [JSP], Preamble, 1)

Given that the press is free, reporter Solveig Miller and producer Léon Laflamme had the right to examine the means Falun Gong has developed to respond to the repression of its movement in China. The team probed whether Falun Gong was actually presenting the facts, or disseminating propaganda like the Chinese regime.

Critical reports on victim advocacy groups are extremely sensitive, and there is no doubt this report undermines Falun Gong's credibility by criticizing its methods. Journalists should be aware of the consequences of their revelations, though consequence cannot be their only criterion. For example, in exposing questionable accounting methods applied in charitable institutions, the media may do some harm to the causes those institutions support, but that is not sufficient reason to refrain from investigating them.

The Falun Gong case is more complex. When Western journalists criticize one of the principal movements standing against the Chinese regime, their criticism bolsters the position of the regime, which does everything in its power to discredit the group and others like it. But is that reason enough to keep silent?

² Appendix I: Ombudsman's Mandate

- Yes, write David Kilgour and David Matas: otherwise, we confer legitimacy on a regime that disseminates “hate propaganda” about its victims.
- No, says Jean Pelletier, Senior Director in charge of the program *Enquête*: Canada is a democracy, and journalists cannot start making ideological compromises. He adds that Radio-Canada has aired critical reports on many aspects of the Chinese regime before and during the Beijing Olympics. With Falun Gong, the investigation showed the movement was exaggerating some aspects of its persecution. It had to be reported, he pointed out, the credibility of Western journalists’ views on China is at stake.

Freedom of the press guarantees that no issue is off limits, provided it is of public interest.

The production team – Solveig Miller and Léon Laflamme – explained how they worked. When he attended the Chinese New Year Spectacular in January 2008, Mr. Laflamme realized that some of the choreography and songs were imbued with a pro-Falun Gong political message. Yet there was nothing in the program to indicate that Falun Gong sponsored the show. I leafed through the program for the 2008 show, and Mr. Laflamme is quite right. In addition, New Year goodwill messages by Canadian politicians printed in the program did not refer to Falun Gong either. That sparked the question: why not openly state the movement was backing the show, which had a political slant?

For her part, Ms. Miller was struck by the revelations in *Beyond the Red Wall (La persécution du Falun Gong)*, a documentary on the alleged harvesting of organs from thousands of Falun Gong practitioners, which aired on Radio-Canada.

Mr. Laflamme indicates he spent about ten days in Montreal’s Chinatown trying to learn more about Falun Gong and its relationship with the rest of the Chinese community. That is where Ms. Miller and Mr. Laflamme discerned, through numerous conversations, that the movement’s tactics were arousing some uneasiness.

I believe this to be a public-interest issue, for a number of reasons. Understanding the tensions within the Chinese community is of interest to the Canadian public. It is also useful for people to understand the methods Falun Gong is using to draw the Canadian public’s attention to the repression it faces in China.

I find it readily apparent that the Canadian spokespeople for Falun Dafa do not appreciate that aspect of the investigation. They had the right to refuse their

participation, as they did after some six weeks of negotiation. There was a three-hour meeting between Ms. Miller and Falun Dafa spokesperson Lucy Zhou, as well as many telephone conversations and emails.

The team did not conceal the angle of its report from Ms. Zhou, indicating its interest in Falun Gong-controlled media, the movement's financial means, and the "propaganda war" taking place in Chinatown between Falun Gong opponents and practitioners – a war illustrated by the lawsuit filed against Crescent Chau. Ms. Zhou told me she had given Ms. Miller a great deal of information on Falun Gong, information to some extent corresponding to the file provided to me by the movement, as indicated by Michael Mahonen. However, the material provided makes no mention of the owners, financial statements, print runs and coverage of the various media established by Falun Gong practitioners. Ms. Miller told me Ms. Zhou personally told her that *La Grande Époque* was an independent newspaper, even if Falun Gong practitioners worked on it; that the Falun Gong practitioners were volunteers; and that all initiatives were spontaneous and decentralized. However, she provided a great deal of information on the repression of Falun Gong in China.

The complainants criticize Ms. Miller for having failed to mention the meeting with Ms. Zhou in her report. But a journalist is not obliged to report all meetings that occur before the report is shot; the journalist's only obligation is to convey the views of people against whom a serious allegation has been made, even if those views are not provided on camera. In the report, Ms. Miller says:

“Falun Gong states it has no organization and requires no financial contributions from its practitioners. Everything is done on a volunteer basis.

He refused to speak to us on camera, but assured us that his newspaper is completely **independent and objective.**”

It is short, but Ms. Zhou, spokesperson of the Falun Dafa Association of Canada, Olivier Chartrand, Editor-in-Chief of *La Grande Époque*, and the organizers of the Chinese New Year Spectacular all refused to grant on-camera interviews. In those circumstances, it is difficult for me to fault Radio-Canada for failing to give sufficient prominence to the Falun Gong viewpoint. The team more than once offered Falun Gong further chances to explain its position, a process in compliance with CBC/Radio-Canada's *Journalistic Standards and Practices*:

[...] In investigative programming, in the interest of fairness, opportunity should be given for all parties directly concerned to state their case...

(JSP, IV Production Standards,11)

Falun Gong beliefs

The complainants state that the program contains erroneous information on Falun Gong's beliefs. I asked them for examples. Michael Mahonen did not provide specific examples, but maintains that the aspects selected by Ms. Miller contribute to caricaturizing Falun Gong and presenting its practitioners as bizarre and marginal people. Falun Gong would have liked Ms. Miller to focus solely on the movement's general principles, which are truthfulness, compassion and tolerance, as well as non-violence. I read a number of articles and texts on the subject to determine whether the report highlighted secondary and sensationalistic aspect of Falun Gong's beliefs. Nothing led me to believe that was true: the law wheel placed in the abdomen of practitioners seems to be a core element of the Falun Gong belief system, since Li Hongzhi, the movement's grand master, refers to it in his book, *Turning the Law Wheel*. The issue of extraterrestrials was discussed at length by Li Hongzhi himself in a long interview with *Time Asia* (May 10, 1999, Vol. 153, No. 18). Moreover, the fact that Li Hongzhi believes himself to be one of the most important gods in the universe is undoubtedly of interest.

Crescent Chau and the lawsuit

According to the complainants, in the report "Crescent Chau is portrayed as a leader in Montreal's Chinese community, unfairly victimized by the Falun Gong."

They also criticize the report for not revealing that the article published in Mr. Chau's newspaper baldly accused Falun Gong practitioners of bestiality and vampirism. In fact, the report states that the article accuses the spiritual leader and those around him of committing "criminal and perverted acts". Radio-Canada's Law Department advised that statements deemed defamatory by a court may not be repeated. The journalist used terms that were more general, but not erroneous.

I believe that the complainants' perception arises from a very simple point: Crescent Chau indeed has an advantage in this report. Since he granted an on-camera interview, the audience can hear him express his own point of view, and that goes some way towards humanizing him. Visually, the report sets an apparently calm man, seated at his desk, against demonstrators chanting slogans.

Above and beyond perception, the report clearly establishes that Crescent Chau sparked things off by publishing an article linking Falun Gong with criminal and perverted acts. In my view, Ms. Miller could at that point have drawn attention to

the similarity between those serious accusations and the Chinese regime's anti-Falun Gong propaganda. The significant similarity is indeed pointed out, but later in the narration:

“[...] his newspaper also takes the opportunity to reprint anti-Falun Gong articles appearing in Chinese state-controlled media.”

Ms. Miller also points out that, even though Falun Gong lost their appeal, the court ruled that the article on criminal and perverted acts was defamatory. During our meeting, Ms. Zhou stressed the fact that Falun Gong lost the appeal for technical reasons: the defamation was specifically aimed at Li Hongzhi, who was not among the appellants. That is accurate.

I find I have reservations where Radio-Canada allowed Crescent Chau to speculate on the advantages some countries would derive in using Falun Gong:

“It would be good for some countries to support them for political reasons – the United States and Taiwan, for example.”

Crescent Chau does not have the credibility needed to engage in political analysis. He is a businessman, clearly conducting a campaign to defame Falun Gong in his newspaper.

In her decision, Justice Jeannine Rousseau of the Quebec Superior Court described Mr. Chau as follows:

“As a publisher or newspaperperson, Mr. Chau is not impressive. The general impression the Court got from his testimony was that the newspaper was simply a pretext to sell advertisements: The content of the “articles” was of little importance.”

The team points out that Mr. Chau's statements were aired because he expressed out loud what many Canadians of Chinese origin think in silence. That decision is debatable, because Mr. Chau does not voice facts but speculates on the identities of parties potentially interested in making use of Falun Gong.

Interviews

Ms. Miller interviewed David Ownby of the Université de Montréal, a recognized expert on Falun Gong. I listened to Professor Ownby's entire interview with Ms. Miller to determine whether he had been incorrectly quoted. The finer shades of meaning in Professor Ownby's thinking do not emerge in the report, but the excerpts selected do reflect the content of the discussion. Here, I will include only

one excerpt in which Professor Ownby explains why Falun Gong has stopped trusting Western journalists, and why practitioners have established their own media:

“During last decade, the practitioners have become somewhat paranoid. They believe that they were ill-treated by journalists . It seems to them that all the journalists tend to adopt the same attitude as the Chinese Government. So the practitioners decided to publish a newspaper by themselves to publicize their beliefs. In this way, they can reach the public directly without resorting to the journalists and the media.”

During the interview, Professor Ownby was critical of the way Falun Gong cloaks itself in secrecy, and of the methods it uses to disseminate its message. In his book, entitled *Falun Gong and the Future of China*,³ Professor Ownby discusses the movement’s gradual politicization. Falun Gong frequently uses the courts to make itself heard. It files lawsuits against Chinese leaders as soon as they leave China: in 2006, 54 civil and criminal lawsuits were underway in 33 countries (page 219). According to Professor Ownby, the newspaper *La Grande Époque*, founded by Falun Gong practitioners, is so lacking in balanced reporting that it resembles the anti-communist propaganda from Taiwan in the 1950s. While the movement was fairly open in the early 2000s, answers are now becoming difficult to obtain, he writes. Even he, who is fairly sympathetic to Falun Gong, was denied permission to visit the offices of *La Grande Époque* and interview the Editor-in-Chief. Lastly, he talks about the half-truths voiced by the movement and its lack of transparency, aspects that inevitably feed the suspicion Falun Gong practitioners have something to hide (pages 220 to 223).

Organ harvesting

Lawyer David Matas, former Minister David Kilgour and Falun Gong practitioners believe that the allegations of organ harvesting have been handled in a “biased and misleading” manner. I read the latest Kilgour-Matas⁴ report as well as United Nations documents on the subject, and watched the interviews in their entirety.

In the report, a quote of a short initial statement made by Mr. Kilgour during a press conference is very clear:

“If you read the report . . . you’ll be appalled, but at some point you better say that this is happening.”

³ Oxford University Press, 312 pages, March 2008

⁴ *Bloody Harvest*, January 31, 2007, <http://organharvestinvestigation.net>

The narration that follows reveals that Falun Gong received Mr. Kilgour's support for its allegations that thousands of Falun Gong practitioners in China were butchered and their organs sold.

However, in my view, the french clip of Mr. Kilgour's interview can be confusing to ordinary viewers not familiar with the issue:

“We provided 33 means of proof. For reasons, for people who are independent, intelligent and understand the world as it really is, I think they will have no doubt about this.”

What is a means of proof, for instance?

The complainants would have liked the report to explain the content of the Kilgour report. It is true that only 40 seconds were allocated to coverage of the Kilgour report. However, the team deliberately chose experts sympathetic to the movement, David Ownby and Amnesty International, to assess the Kilgour report's credibility. It would have been unfair of Radio-Canada to ask recognized Falun Gong opponents to criticize it and granted them time without giving equal time to its authors.

In the *Enquête* report, Professor Ownby states:

“I read [Mr. Kilgour's] report carefully. Since it's hard to get the first-hand testimony, they had to resort to third-hand sources. They concluded what they could. Organ harvesting is happening in China, but I see no evidence proving it is aimed particularly at Falun Gong practitioners.”

Further on in the interview, Professor Ownby says he is on the side of well-known dissident Harry Wu on the issue. In his book *Falun Gong and the Future of China*, he voices the same thought even more clearly:

“There appears to be little evidence that imprisoned Falun Gong practitioners have been a particular target of the practice or that concentration camps have been set up to facilitate the harvesting of practitioners' organs. On the other hand, it seems likely that Falun Gong practitioners who are part of the prison population would be candidates for harvesting, in part because at least some practitioners are young and healthy, in part because the movement has been vilified within China (...) But Falun Gong spokespeople clearly overplayed their hand when they talked about concentration camps (or even a network of some thirty-six concentration camps) and the huge numbers of prisoners who have been victims of the practice (...) Sadly,

when the evidence is not forthcoming to substantiate the charges, Falun Gong inevitably loses credibility and third-party observers come to doubt all information provided by Falun Gong sources – and not just the sensational claims. This is unfortunate, for even if concentration camps do not exist, the persecution of Falun Gong has been real.” (pages 224 to 226)

Amnesty International, which has frequently denounced the repression of Falun Gong, investigated the issue in China and was unable to confirm the movement’s allegations of organ harvesting. In an unaired portion of the interview, Amnesty International spokesperson Anne Ste. Marie even said that some telephone interviews in Chinese hospitals had been edited.

Mr. Wu also sent teams to the hospital in Sijiatun, where 2,000 corneas were allegedly harvested by force from Falun Gong practitioners, and found no signs of mass murder. Mr. Wu believes that allegation to be a lie. In the complainants’ view, this does not mean Mr. Wu repudiates the entire Kilgour report. I listened to the interview in its entirety. Clearly, Mr. Wu does not consider anything Mr. Kilgour has written on the issue to be credible, and believes that if 4,500 Falun Gong practitioners had had their organs harvested, there would be at least one witness somewhere willing to talk about it. Mr. Wu was also fairly sympathetic to the movement until the organ harvesting allegations surfaced in 2006, and he can certainly never be accused of supporting the Chinese regime.

The United Nations documents I consulted always used the terms “**allegations**” and “**claims**” in referring to organ harvesting among Falun Gong practitioners. And though it is quite true that the United Nations Committee Against Torture is pressing the Chinese government to investigate the matter in order to determine where the transplanted organs come from, that is no evidence Falun Gong is being targeted.

The complainants several times returned to the fact that Professor Ownby and others do not deny the organs of Falun Gong practitioners have been harvested.

That is plausible. Given of the government’s repression of the movement, Falun Gong practitioners are imprisoned. The government admits that inmates who are sentenced to death have their organs harvested for transplant; some Falun Gong practitioners are therefore likely to be among them.

That is not the issue, however. Falun Gong alleges that its practitioners are specifically targeted for organ harvest, and that thousands of them have been butchered in what are nothing better than concentration camps. That is the issue raised in the Radio-Canada report.

Chinese New Year Spectacular

The complainants found that Ms. Miller's comments on the Chinese New Year Spectacular also demonstrated a bias against Falun Gong. Until last year, there was no mention in the show's brochures or programs to indicate it was organized by Falun Dafa. The production is funded by New Tang Dynasty Television (NTDTV), a satellite TV network based in New York and financed by Falun Gong practitioners. The omission led to articles in the *Los Angeles Times* (January 7, 2008) and *New York Times* (February 6, 2008). *New York Times* reporter Eric Konigsberg questioned audience members, who did not appreciate being left unaware of the show's political dimension. Radio-Canada is therefore not the only media entity to have noted Falun Gong's lack of transparency. I tried to ask the complainants why they were not more open. Mr. Mahonen replied it was unnecessary. Ms. Zhou added that the show was a reflection of true Chinese culture, which is being crushed by the Chinese government. In an unaired portion of the interview, Professor Ownby explained that some members of the Chinese community do not like Falun Gong's portrayal of itself as the only repository of true Chinese culture.

The complainants criticized the report for allowing lawyer and former Bloc québécois candidate May Chiu to say that, in her opinion, the show is a Falun Gong recruitment tool. That is Ms. Chiu's opinion, not Ms. Miller's. The complainants also believe that the report should have included audience members' positive comments about the show. But the question is not whether the show itself is a good one; it is whether the show's organizers should have been more transparent. The offices of Premier Charest and the Mayor of Montreal believe the organizers should indeed have been more transparent. Both politicians supported the show without being aware of Falun Gong's involvement.

Tension in Chinatown

The complainants contest the fact that their militant activities are generating tension within the Chinese community. In their view, the tension is due solely to Crescent Chau and the anti-Falun Gong propaganda the Chinese government is having disseminated through the newspapers it controls outside China. That is not what Ms. Miller observed on speaking with local businesses. One local

business owner, whose testimony I read, was very indignant because Falun Gong wanted her to take Crescent Chau's newspapers off her shelves because they challenged the truthfulness of the organ harvest scandal. There are doubtless a variety of factors contributing to the unease, among others, the business relationships that importers want to maintain with the Chinese authorities. Community worker May Chiu summarized the general atmosphere:

“There is a concern about the power of Falun Gong, and at the same time there is another concern about the Chinese government. So people might feel caught between those two opposing powers and not really know where to stand.”

The investigation showed that Falun Gong – which is a victim advocacy movement – has a newspaper, radio network and television network, and even a New Year spectacular, to spread its message. It therefore wields a certain amount of power. In Montreal's Chinatown, the movement has a very significant presence, too significant for some, and the police report I read reveals that many of its demonstrations fail to comply with the city's by-laws.

Ms. Zhou complained that her image was used in two Falun Gong demonstrations. The courts have indeed ruled that an ordinary citizen has the right to control the use of his or her own image.

But according to a document on the Falun Dafa Information Center website (www.faluninfo.net/contact.asp), Ms. Zhou is one of Falun Gong's two Canadian spokespeople. She was present at two demonstrations, the stated purpose of which was to attract public attention. In those circumstances, it is difficult for her to claim her image cannot be used and identified because she is nothing more than an ordinary citizen.

Ms. Zhou also said that the May 2 demonstration in Ottawa was organized not by herself but by her husband. However, in an email sent to Parliament Hill on the very morning of the demonstration, the name “Lucy Zhou” and Ms. Zhou's telephone number appear on Falun Gong's notice to the press.

Lastly, one might ask why the report would twice include images of Ms. Zhou blocking the camera lens with her hand. According to the producer, those images symbolize the lack of transparency Falun Gong demonstrated throughout the investigation. The team even said that, as soon as Ms. Zhou saw the Radio-Canada cameraman preparing to film the Chinatown demonstration, she asked demonstrators doing meditation exercises to disperse.

The complainants criticize the fact that the report mentions the death threat Mr. Chau received in a letter. The reporting of such allegations is always sensitive, because they could simply be fabricated.

Yet the death threat was in the public domain, since Mr. Chau had printed it on the front page of his newspaper. The Chinese community was aware of it. If Mr. Chau had spoken of the death threat to no one, and if there had been no police report on it, mentioning it on air would have been unacceptable.

However, I consider that Ms. Miller's question to Mr. Chau on the death threat is not neutral:

“What makes you think it's from Falun Gong?”

It was inappropriate to mention Falun Gong, given the lack of evidence the threat came from the movement.

Reputation of the Canadian Broadcasting Corporation (CBC)

Falun Gong recalls the controversy involving the documentary on Falun Gong, *Beyond the Red Wall*, broadcast on CBC by the Corporation's English Services; it states that CBC has apparently failed to be objective about Falun Gong in the past. I have told the complainants, and will say it again, that CBC/Radio-Canada's French Services and English Services make their own editorial choices, based on their own criteria. In any case, different versions of the documentary – *Beyond the Red Wall* and *La persécution du Falun Gong* – aired on CBC and Radio-Canada. The investigative report *Malaise dans le Chinatown* is an idea sparked in the mind of a Radio-Canada producer interested in China, and CBC was not involved in the project in any way. Both CBC and Radio-Canada, however, are subject to the same *Journalistic Standards and Practices*.

Conclusion

With a free press, Radio-Canada has the right to investigate the organization and tactics of Falun Gong, as well as the truthfulness of Falun Gong's statements, provided that it complies with the principles of accuracy, fairness and integrity.

The report would have been more balanced had it contained an interview with Falun Gong spokespeople. However, the spokespeople refused to grant an on-camera interview.

I have expressed reservations about the selection of two interview clips and the formulation of one question, but the report is otherwise based on serious research, journalistic observations in the field, and analysis by recognized experts.

The complaints that *Malaise dans le Chinatown* is erroneous, manipulative and propagandistic, and has unjustly misrepresented, demeaned, maligned and discriminated against the spiritual practice of Falun Gong, are unfounded.

Julie Miville-Dechêne
Ombudsman, French Services
CBC/Radio-Canada
January 27, 2009

APPENDIX I: Ombudsman's Mandate

The Ombudsman

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

also known as the *Journalistic Standards and Practices* (JSP, available at <http://cbc.radio-canada.ca/accountability/journalistic/index.shtml>).

The journalistic policy is based on three basic principles: accuracy, fairness and integrity.

Accuracy: The information conforms with reality and is not in any way misleading or false. This demands not only careful and thorough research but a disciplined use of language and production techniques, including visuals.

Integrity: The information is truthful, not distorted to justify a conclusion. Broadcasters do not take advantage of their power to present a personal bias.

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

The Corporation's journalistic policy consists of a body of rules that it has established over the years. Those rules, aimed at developing journalism founded on excellence, go well beyond the requirements of the *Broadcasting Act*. They set a standard that is difficult to attain, but that all journalists must strive for.

A detailed description of the Ombudsman's mandate is also available at <http://www.cbc.ca/ombudsman/page/mandate.html>.

APPENDIX II: Response from Radio-Canada to the complaint

Dear Sir or Madam,

Some of our audience members wrote in with comments about our feature report «*Malaise dans le Chinatown*», broadcast in the October 30 episode of *Enquête*.

This feature report aimed to explore the importance of the organization *Falun Dafa (Falun Gong)* outside China, and its impact on Chinese communities living in the West, specifically in Montreal.

The group and its activities are still relatively unknown. For instance, few Canadians are aware of the extent of the *Falun Dafa (Falun Gong)* media network highlighted in our report. It is completely understandable, and in the interests of the public, that a news network like ours explore the structures, beliefs, funding and actions of a movement that has gained significant momentum in such a short period throughout the world.

The feature did not deny that Falun Gong members living in China are experiencing serious difficulties with the authorities. On the contrary, it clearly stated this, and Radio-Canada has broadcast a number of reports on the topic in the past.

However, the public broadcaster's mission is to present various viewpoints on major controversial issues. This time, we chose to look at the Falun Gong from another perspective. We made this decision entirely independently, for journalistic reasons. Some have alleged that we were seeking to curry favour with the Chinese government. We completely refute these baseless allegations.

We felt that the numerous legal proceedings involving the *Falun Gong* in Canada, along with the many calls to the police concerning the group's actions in Montreal, fully justified our interest in the issue and our attempts to understand what was going on.

Our investigation was conducted with the utmost care and all facts were checked several times. We gathered information from many reliable sources. A number of the personal accounts are included in our report.

Some of our viewers complained that we did not interview *Falun Gong* leaders in Canada to get their perspectives. In fact, we made several attempts to elicit the viewpoints of Canadian and American leaders of *Falun Dafa (Falun Gong)*, but were met with refusals.

To conclude, we believe that we aired a feature report that was of public interest and factually accurate and in accordance with our standards and practices.

We hope that you find these comments helpful. If not, and if you deem it necessary, we remind you that you can ask Radio-Canada's Ombudsman to review the case.

I thank you for writing to us.

Sincerely,

Geneviève Guay
Director, Complaints Handling
Information, French Services