



Brief on Egale's Application to Remove Fox News from Canadian Broadcasting

June 13, 2023

As of June 12, 2023, the Canadian Radio-television and Telecommunications Commission's (CRTC) public consultation on the removal of Fox News from Canadian airwaves has ended. This brief will provide an overview of the process so far and of the arguments that Egale submitted to the CRTC.

Egale Canada published an [open letter to the CRTC](#) requesting the public consultation on April 4, after our organization was featured on a horrifically transphobic Fox News broadcast. That broadcast was a segment of the *Tucker Carlson Tonight* show that painted trans people as a violent threat to Christians following the tragic Covenant School shooting in Nashville, Tennessee; some sources report that the shooter was trans. We won't reproduce all the appalling claims he made here, but Carlson blamed the tragedy on "a deranged and demonic ideology that is infecting this country" – meaning people being trans. He claimed, with no evidence, that "trans terrorism" was a growing threat to the US and that people and organizations who advocate for trans people's safety are ignoring that threat. In that context, Carlson quoted Egale's [open letter](#) to all levels of Canadian government, with our logo visible onscreen. He called the fact that anti-trans hate in Canada is on the rise "a lie" and attempted to link Egale's advocacy for trans people *in Canada* to his purposefully incendiary and false narrative that trans people are a threat to Christians.

After that episode was broadcast, we received a wave of threatening, violent, and obscene messages across our communication channels. The fact that Fox News deliberately provokes anger and fear among its viewers, especially targeted toward equity-denied communities, is not a secret. So we published the open letter to the CRTC, linked above, on April 4. The CRTC opened a public consultation into the removal of Fox News from Canadian television on May 3, with our open letter being the basis of the application.

The CRTC is a specialized tribunal that has authority over all aspects of the Canadian broadcasting system, including making sure that all content broadcast in Canada meets certain standards and follows the rules. All non-Canadian stations and channels must first be added to a list of authorized programming, after which Canadian broadcasting companies can choose to air them and they are obligated to follow the same rules as Canadian programming. Fox News is currently on that list; the application is to have it removed from the list (delisted) because it doesn't follow the rules.

One of those rules is that no Canadian program may broadcast any abusive comment that is likely to expose people to hate based on their race, sex, sexual orientation, or similar characteristics. The CRTC is also responsible for making sure that the Canadian broadcasting system “serve[s] the needs and interests of all Canadians,” specifically including Canadians from equity-denied communities, according to the *Broadcasting Act*. Another rule is that stations can't broadcast false or misleading news. This is the law in Canada and broadcasters from other countries – like Fox News – must follow it in order to broadcast in Canada.

During the four-week public consultation period, over 7000 individuals as well as some civil society organizations made written submissions, called interventions, to the CRTC. All these interventions are public. Many reputable organizations representing equity-denied groups in Canada provided the CRTC with additional evidence of abusive comments that violate Canadian broadcasting law. Those include a terrifyingly high volume of abusive comments likely to expose people to hatred based on their sexual orientation and gender identity as well as other characteristics.

For example, [Rainbow Refugee](#) provided evidence of Fox News programs regularly pushing the racist and antisemitic “Great Replacement” theory, which baselessly claims that there is a conspiracy to reduce the influence of white people in the US (or wherever the conspiracy theory is being pushed). The [Canadian Women's Foundation](#) describes the misogyny and specifically the transmisogyny that is regularly broadcast on Fox News, as well as the effect of that hateful speech on multiply marginalized women, gender-diverse people, and girls.

Other interveners also pointed out that Fox News has been found to have broadcast false and misleading content on multiple occasions. This year, a US court [found](#) that Fox News had broadcast misinformation in its coverage of the 2020 US presidential election. The British communications regulator Ofcom also found Fox News to be in violation of its impartiality and accuracy violations multiple times, including for anti-Muslim coverage. This type of evidence from two closely allied countries clearly points to violations of Canada's laws on false and misleading news.

The Fox News Network also had the opportunity to [respond](#), which they did on June 2. Their response was essentially that Egale's application to have Fox News removed from the list of non-Canadian stations that are allowed to be broadcast in Canada is now

moot because *Tucker Carlson Tonight* is no longer a program on Fox News. Obviously, as many interventions made clear, Tucker Carlson was one of many hateful voices on Fox, but the dangerous transphobia exemplified in his show is very much still present on Fox News. Egale's application was never limited to Tucker Carlson.

Fox News also claimed that to delist Fox News would be inconsistent with the freedom of expression guaranteed by the *Canadian Charter of Rights and Freedoms* (the *Charter*). A similar concern was voiced by a number of individual interveners during the public consultation process. Since the 1990s, Canadian law, including the Supreme Court of Canada (SCC), has made it very clear that freedom of expression does **not** extend to hate speech. In fact, that's the point of regulations like the one that prohibits the broadcasting of abusive comments and content that is likely to expose people to hatred. As a society, we agree to balance different freedoms and interests in a way that is best for society as a whole. Freedom of expression is one of the most fundamental freedoms, and has particular relevance to 2SLGBTQI people, who were targeted by restrictive laws in Canada for far too long – and Egale played a role in dismantling those laws. Hate speech is a limit on that freedom because it degrades the dignity of the people it targets, fosters distrust and anger between groups of people, and leads to people being unable to participate safely in public life. When hate speech is accepted in a society, there is *less* free expression.

You can read Egale's formal response to the interventions in the public proceeding and to Fox's submission [here](#). The CRTC will now weigh all the evidence and come to a decision on the future of Fox News on television in Canada. Either way, the decision won't affect Fox News' presence online. The CRTC's rules say that it won't authorize non-Canadian programming if it violates Canadian regulations. We and many other interveners have provided the CRTC with clear evidence that Fox News is in violation of Canadian broadcasting law. Egale hopes to see the CRTC make the right decision and delist Fox News, preventing it from airing in Canada.