

[GB] RT's Going Underground programmes breaches Ofcom's Broadcasting Code on due impartiality

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On 4 July 2016, Ofcom determined that RT's current affairs series Going Underground, broadcast on 5 and 26 March 2016, had breached Rule 5.5 of Ofcom's Broadcasting Code by failing to ensure due impartiality. RT is a Russian global news and current affairs channel funded by the Federal Agency for Press and Mass Communications of the Russian Federation, and in the United Kingdom is broadcast by satellite and digitally by licensee TV-Novosti.

Going Underground ran a series of interviews and presentations asserting that the Turkish government was pursuing an "ethnicide" policy against the Kurds and effectively the government was supporting the extreme terrorist Islamist group, ISIS, by not endorsing the Kurds in their campaign against the terrorists. RT presented a number of contributors who were opposing Turkey's stance and also Great Britain for appearing in support to the Turkish approach.

Concerning balance in the reporting, RT, through TV-Novosti, asserted in their response to Ofcom that no one from the Turkish government was available for comment. RT denied that they were in breach of Rule 5.5 of Ofcom's Code, which states "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on part of any person providing a service. This may be achieved within a programme or over a series of programmes taken as a whole".

RT's response relied upon Rule 5.9 which includes: "However, alternative viewpoints must be adequately represented either in the programme , or in a series of programmes taken as a whole". The broadcaster contended that the two programmes had to be considered in conjunction with their regular news bulletins, which had over a number of weeks included interviews and references from the Turkish government's standpoint relating to the Kurds and ISIS. Also, RT argued that given the difficulty in obtaining comment from the Turkish government the broadcaster had had to use other editorial techniques to ensure due impartiality, and in doing so referred to paragraph 1.37 of Ofcom's published Guidance to Section Five of the Code, which states: "It is an editorial matter for the broadcaster as to how it maintains due impartiality. Where programmes handle, for example, controversial policy matters and where alternative views are not readily available, broadcasters might consider employing one or more of the

following techniques".

RT relied upon paragraph 1.37, arguing that the two programmes had included the opinions of other countries, some pro-Turkey and others critical of their approach towards the Kurds, and as such the lack of direct comment from the Turkish government did not denude the programmes of due impartiality. RT relied upon section 320 (4) (a) of the Communications Act 2003, which refers to a broadcast preserving due impartiality over "a series of programmes taken as a whole". The method for determining due impartiality was by viewing both programmes and additionally RT's news bulletins. Ofcom's definition of "impartiality" meant not favouring one side over another, whilst "due" meant adequate or appropriate to the subject and nature of the programme. The presentation of differing standpoints need not be an equal division of time but a fair representation of each party's position.

Ofcom determined that their statutory duty was to ensure that broadcast news was presented with due impartiality and the standards were contained in section 320 of the Act and Section Five of Ofcom's Code. When considering the application of these rules Ofcom was mindful of Article 10 of the European Convention on Human Rights (ECHR) which provides for both the broadcaster's and audience's right to freedom of expression.

Ofcom recognised it was not always possible for a broadcaster to acquire all viewpoints and that the rules allowed for suitable editorial techniques to address this issue. However, in viewing the two programmes, Ofcom determined that they were predominantly one-sided. Ofcom considered that the comment in the 5 March 2016 transmission, that the Turkish government was not available, was not sufficient given the swell of adverse comment in the broadcast. The use of editorial techniques in both programmes to ensure impartiality were not sufficient as effectively there was only one indirect comment reflecting Turkey's standpoint.

Ofcom stated that Going Underground was pre-recorded, and was not "editorially linked" with the news bulletins so as to be considered as a whole by the viewing audience. Ofcom considered that RT had not reflected Turkey's position and it would have been possible for them to have done so even allowing for the lack of direct Turkish government comment. The programmes had to be considered in respect to how they will be perceived by the audience and their expectation for RT to reflect both standpoints; the content of the two programmes insufficiently lacked alternative viewpoints to display due impartiality, and as such Rule 5.5 had been breached.

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