[GB] RT failed the impartiality Code of Conduct on their coverage of the Sergei Skripal poisoning incident

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Julian Wilkins
Wordley Partnership

Ofcom determined that RT failed the impartiality Code of Conduct for having lacked impartiality on seven out of the ten complaints arising from their coverage of the Sergei Skripal and his daughter Yulia poisoning incident in Salisbury on 4 March 2018 - broadcast on RT over a period of approximately seven weeks between 17 March 2018 and 4 May 2018 (see IRIS 2018-7/18). The Ofcom licence for the RT service is held by the autonomous non-profit organisation TV-Novosti.

The programmes subject to complaint were: Sputnik, RT, 17 March 2018, 7.30 p.m.; Sputnik, RT, 7 April 2018, 7.30 p.m.; Worlds Apart, RT, 1 April 2018, 11.30 p.m.; Crosstalk, RT, 13 April 2018, 8.30 p.m.; Crosstalk, RT, 16 April 2018, 8.30 p.m.; Crosstalk, RT, 20 April 2018, 8.30 a.m.; News, RT, 18 March 2018, 8 a.m.; News, RT, 30 March 2018, 6 p.m.; News, RT, 26 April 2018, 8 a.m.; and News, RT, 4 May 2018, 8 a.m.

The complaints arose from viewers and Ofcom's own monitoring. Ofcom considered that the programmes raised issues warranting investigation, given that television news is required to be presented with due impartiality, pursuant to section 5 of the Ofcom Broadcasting Code ("the Code"), derived from the Communications Act 2003 ("the Act").

Rule 5.1 states: "News, in whatever form must be reported with due accuracy and presented with due impartiality." Rule 5.12 states :"...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service [...] in each programme or in clearly linked and timely programmes."

Section 5 of the Code is supported by Ofcom's Guidance, which states that it is for the broadcaster, using a range of editorial techniques, to ensure that due impartiality is preserved, as well as compliance with the Code.

When determining the Code's due impartiality rules, section 320 of the Act requires Ofcom to particularly include the need to ensure the preservation of impartiality in relation to matters of major political or industrial controversy, and major matters relating to current public policy.

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Ofcom considered that seven of the ten investigated programmes were dealing with matters of major political controversy and major matters relating to current public policy. This meant that RT should have ensured that an appropriately wide range of significant views were included and given due weight in each programme, or in clearly linked and timely programmes. Views and facts must not be misrepresented.

The Guidance further states: “that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality rules. Any broadcaster may do this provided it complies with the Code.” Nevertheless, depending on the circumstances, as well as providing the context in an appropriate way, alternative viewpoints are necessary to ensure compliance with the Code. Upholding impartiality does not mean giving equal time to opposing views.

Ofcom acknowledged balancing the broadcaster’s and audience’s right to freedom of expression under Article 10 of the European Convention of Human Rights with compliance with impartiality rules. Ofcom watched all the programmes and took account of all the relevant information, including the individual facts of each case and the various representations made by RT. The following programmes were held in breach of the Code: Sputnik, RT, 17 March 2018, 7.30 p.m.; Sputnik, RT, 7 April 2018, 7.30 p.m.; Crosstalk, RT, 13 April 2018, 8.30 p.m.; Crosstalk, RT, 16 April 2018, 8.30 p.m.; Crosstalk, RT, 20 April 2018, 8.30 a.m. ; News, RT, 18 March 2018, 8 a.m.; and News, RT, 26 April 2018, 8 a.m. For each programme, Ofcom gave reasons in full as to why they were in breach. Although each complaint against RT was considered on its individual merit, a common response by the broadcaster to many of the complaints was that some of its programmes, such as Sputnik, which is presented by the controversial politician George Galloway, were designed to ask challenging questions, and that their overall audience was looking to see matters presented more from a Russian perspective. Whilst Ofcom recognised that a broadcaster had the discretion as to how they presented their programmes, including meeting audience expectations, this did not detract from ensuring that each party’s perspective was reflected, even if not with an equal time allocation. A number of the programmes subject to complaint asked questions or presented opinions in such a way as to suggest that the British Government was deliberately placing blame on the Russian Government or besmirching its reputation. Ofcom considered that RT had failed to ensure that the British Government was given sufficient airtime or the opportunity to respond to the allegations against them. One of the programmes found to be in breach was Crosstalk, broadcast on 16 April 2018 at 8.30 p.m.; this broadcast contained a critique of the US and British stance on the Syrian conflict. RT was held in breach for failing to adequately represent the US and British standpoint in the light of other opinions presented in the programme.

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Otherwise, the following three programmes were not found to be in breach of the Code: Worlds Apart, RT, 1 April 2018, 11.30 p.m.; News, RT, 30 March 2018, 6 p.m.; and News, RT, 4 May 2018, 8 a.m. The programmes Worlds Apart, broadcast on 1 April 2018, and News, broadcast on 4 May 2018, were also not considered to be in breach of section 5 of the Code.

Ofcom considered that seven breaches in respect of news and current affairs programmes broadcast within the six-week period from 17 March 2018 to 26 April 2018 constituted a serious failure of compliance. Subject to receiving RT's representations, Ofcom is likely to impose statutory sanctions.

If it decides to impose statutory sanctions, Ofcom will follow published procedures whereby RT can make written and oral representations before any decision on sanctions has been taken.

Any sanction imposed needs to be proportionate and fair, taking into account all the relevant circumstances, RT's representations and any relevant previous cases.

Since Ofcom's decision, RT has declared it would seek a judicial or court review of Ofcom's findings. The determination of any Ofcom sanctions awaits the outcome of the judicial review.

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