[GB] RT fined GBP 200 000 for breach of due impartiality rules but broadcaster challenges decision

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RT has been fined GBP 200 000 by Ofcom following its previous decision (see Iris 2019-3/17) that the broadcaster had breached the regulator's due impartiality Code of Conduct rules concerning seven programmes broadcast by the channel over a period of approximately seven weeks between 17 March 2018 and 4 May 2018, primarily concerning the poisoning of Sergei Skripal and his daughter, Yulia, in Salisbury on 4 March 2018. One of the seven programmes concerned coverage of the Syrian conflict and adopting a pro Russian stance without acquiring alternative or opposing opinions. The Ofcom licence for the RT service is held by the autonomous non-profit organisation TV-Novosti.

In total, Ofcom investigated ten RT programmes broadcast between March and May 2018, concluding that seven breached due impartiality rules regarding matters of political controversy. The programmes found in breach were Sputnik, RT, 17 March 2018, 7.30 p.m.; News RT, 18 March 2018, 8 a.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, 26 April 2018, 8 a.m.

Two of the breaches were related to programmes hosted by the former politician George Galloway, a regular presenter on the channel, who cast doubt on the link between the Salisbury poisonings and Russia.

The fine follows Ofcom's decision earlier this year that RT had breached Rule 5.1 of the Ofcom Code of Conduct which states: "News, in whatever form must be reported with due accuracy and presented with due impartiality."

Furthermore, 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."

The serious breaches of the Code meant Ofcom had a number of ways of punishing RT, including revoking its licence to broadcast in the United Kingdom. Instead, the regulator concluded it was more just to impose a substantial fine and require RT to broadcast a summary of the findings, in a form and on dates to be determined by Ofcom.

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Ofcom said, “Taken together, these breaches represented serious and repeated failures of compliance with our rules. We were particularly concerned by the frequency of RT’s rule-breaking over a relatively short period of time.”

Ofcom decided not to revoke the licence as there had been no further allegations of breaches of impartiality against RT to date. Also, Ofcom took into account the additional steps RT had taken to ensure its compliance since the launch of the regulator’s investigations.

However, RT will not have to pay the fine and broadcast Ofcom’s ruling immediately, since it is challenging the initial ruling through a judicial review for which permission was granted by the English High Court in June 2019. The judicial review trial is expected to occur before the end of the year.

When opposing the complaints of breaching Ofcom’s due impartiality rules, RT has previously argued that its viewers expect to see a pro-Russian viewpoint when they watch the channel.

Ofcom recognised 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.

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