

[GB] The licensee of Midland Asian Television held in breach of Ofcom rules relating to due impartiality for an edition of their *Pakistan Reporter* current affairs programme.

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Midlands Asian Television (MATV) was held in breach of Rule 5.5 of the Ofcom Broadcasting Code by failing to ensure that their edition of *Pakistan Reporter* on the 8 February 2021 provided due impartiality. MATV is a satellite television service that broadcasts programming in Hindi, Urdu, English, Gujarati and Punjabi. The Licence for MATV is held by the Middlesex Broadcasting Corporation Limited.

On the 8 February 2021 an edition of *Pakistan Reporter*, a current affairs and analysis programme about Pakistan, was broadcasted in Urdu on the subject of the Pakistan government's treatment of the Baloch ethnic group which resides in the country's southwestern Balochistan province. The programme included coverage of the funeral of Baloch human rights activist Karima Bunuk who was a campaigner against the Pakistani army and intelligence services' conduct in Balochistan. The report asserted that the Pakistani army had prevented Ms Bunuk's family from attending her funeral as well as the "inhumane behaviour" and "barbaric acts" of the army. Further reporting suggested that the Pakistan's President Imran Khan had ordered the bulldozing of political opponents' homes. Also, for entering into an agreement creating the China-Pakistan Economic Corridor, giving rise to the exploitation of the mineral reserves in Balochistan, with the Baloch people being treated "worse than slaves." There were also references to Imran Khan being the "puppet" of the Pakistan Army. A separate report from a cameraman described how he had been attacked at an anti-terrorist court in Islamabad by the three accused and their lawyer. The cameraman asserted that the police failed to come to his help. A reporter suggested that the government wanted to attack media workers.

In response to the Ofcom complaint MATV said that their overall reporting was balanced and that if one watched the various editions of *Pakistan Reporter* they were at times complimentary of the Pakistan government. MATV considered the complaint had been brought by Pakistani people "just out of hatred." Rule 5.5 of the Code requires that: "due impartiality on matters or political or industrial controversy and matters relating to current public policy must be preserved on the part of the person providing the service... This may be achieved within a

programme or over a series of programmes taken as a whole.”

Due impartiality did not mean giving equal time to opposing views and opinions but ensure other arguments were represented. The guidance to Rule 5.5 requires that broadcasters can preserve impartiality in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this. Ofcom considered the audience’s expectations of the programme and broadcaster’s right to freedom of expression pursuant to Article 10 of the European Convention of Human Rights.

The regulator determined that whilst a broadcaster is entitled to broadcast statements that are critical of governments and other institutions, in this programme the critical statements were about politically controversial matters. This meant the broadcaster had to preserve due impartiality, including providing alternative viewpoints. In the case of this edition of *Pakistan Reporter* there had been a failure, for instance, to seek the views of the government and army.

Ofcom differentiated from their other rules relating to due accuracy, which are applied to news, or material misleadingness, that apply to factual matters in non-news programmes. The subject matter in *Pakistan Reporter* was about political or industrial controversy and matters relating to current public policy and this required compliance with Ofcom’s due impartiality rules.

MATV’s licensee were held in breach of Rule 5.5 of the Code. Ofcom noted that previously MATV’s licensee had been in breach of the due impartiality rules as recorded in Issues 323 and 391 of the Broadcast and On Demand Bulletin. Ofcom expressed their concern of the further breach, especially as MATV had given previous assurances to ensure compliance with the due impartiality rules. Ofcom has requested that MATV’s licensee attend a meeting with them to discuss their compliance in this area. Furthermore, the regulator would undertake monitoring of the channel and placed MATV’s licensee on notice that if further similar breaches occur, Ofcom would consider taking further regulatory action.

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