

UPDATE ON THE RT SERVICE – NEW BROADCASTING INVESTIGATIONS AND APPROACH TO FIT & PROPER

We have today opened seven new investigations into the due impartiality of RT news and current affairs programmes. In accordance with our normal procedures, we will make the outcome of these investigations public as soon as possible. Until recently, TV Novosti's overall compliance record had not been materially out of line with other broadcasters. However, since the events in Salisbury, we have observed a significant increase in the number of programmes on the RT service that we consider warrant investigation as potential breaches of the Ofcom Broadcasting Code. In relation to our fit and proper duty, we will consider all relevant new evidence, including the outcome of these investigations and the future conduct of the licensee.

Introduction

1. Ofcom has an ongoing duty to be satisfied, as the independent UK broadcasting regulator, that broadcast licensees remain fit and proper to hold their licences.
2. The television services RT and RT Europe are licensed by Ofcom to broadcast. The licensee, ANO TV Novosti ("**TV Novosti**") holds three UK broadcasting licences, two for RT and one for RT Europe.¹ The licences for both services cover broadcasts on satellite and the internet. RT is also licensed to broadcast on digital terrestrial television.
3. RT is a service made for UK audiences, providing a Russian perspective on UK and global news and current affairs related programming. It broadcasts in English. RT has an average audience of 3,400 viewers at any given point during the day and an average weekly reach of 1.06% of adults (540,000).²
4. On 12 March 2018, following the use of a nerve agent in Salisbury, Ofcom said that we would consider the implications of these events for the broadcast licences for RT and RT Europe and this document provides an update to that statement including setting out our approach in this case.
5. The main reason for broadcasting to be regulated is to protect audiences from harm. Broadcasters are required to comply with Ofcom's Broadcasting Code, which we set and enforce having regard to all our duties. Parliament has given Ofcom duties which reflect the importance in our democracy of freedom of expression, of a wide range of broadcasting services and a plurality of providers of those services. We set out in some detail in Annex 1, the statutory framework and Ofcom's statutory duties when considering the fitness and properness of broadcast licensees.
6. In judging whether someone is fit and proper to hold a broadcast licence, the central consideration is whether they can be expected to be a responsible broadcaster. We

¹ DTPS000072BA/5 (RT); TLCS000881BA/2 (RT); and TLCS001686BA/2 (RT Europe). Although RT Europe was formerly widely available to viewers in mainland Europe, TV Novosti told us that only a few UK viewers had suitable receiving equipment (letter from TV Novosti's lawyers to Ofcom, 29 September 2014). Our information is that RT Europe has ceased to broadcast. RT is targeted at UK-based audiences and broadcasts on digital television platforms in the UK.

² Source: BARB. Adults (16+). 2017. Weekly reach (minimum 3 consecutive minutes). Figures rounded to 2 significant figures.

look at broadcasting compliance: serious, repeated or ongoing breaches of standards may suggest a lack of fitness and properness.

7. We may also look at non-broadcasting related content where we consider it relevant to the likely future conduct of the broadcast licensee and/or to public confidence in the broadcasting regime as a whole. For example, we have revoked licences to protect children from hardcore pornography and following the broadcast of material likely to incite terrorism.³ In relation to non-broadcast conduct, licences have been revoked following an individual's conviction for serious criminal misconduct.⁴

Broadcasting compliance

8. Until recently, TV Novosti's overall compliance record has not been materially out of line with other broadcasters. There has been a total of 15 breaches over the period since 4 May 2012⁵, which compared to other broadcasters of this type is not an unusually high number. We have monitored the RT service in the past as part of our overall monitoring programme and are doing so intensively following the events in Salisbury.
9. The majority of the breaches, and both of the more serious breaches, were in programming relating to Russia's foreign policy and related to the requirement for due impartiality. The breaches related to programmes about Libya (2011, 2012), Syria (2012, 2013 and 2014), Ukraine (2014), Turkey (2016) and NATO (2016).⁶ The largest number of the breaches, and both of the more serious breaches, took place in 2014. There were no breaches in 2015. The two breaches that took place in 2016 were less serious. There were no breaches in 2017. For more detail of TV Novosti's compliance history, see Annex 2 to this update.
10. Since the events in Salisbury, we have observed a significant increase in the number of programmes broadcast that we consider warrant investigation as potential breaches of the Broadcasting Code. We have opened seven new investigations.⁷

³ Bang Media (London) Ltd and Bang Channels Ltd, https://www.ofcom.org.uk/_data/assets/pdf_file/0021/46128/bangmedia-revocation.pdf; Iman Media UK Ltd, https://www.ofcom.org.uk/_data/assets/pdf_file/0023/105269/Iman-FM-Revocation-Notice.pdf.

⁴ The radio licences controlled by Owen Oyston were revoked following his conviction for rape.

⁵ This was the date upon which the licence for RT was formally transferred to TV Novosti. Prior to this the licence was held by Information TV. The first of the 15 breach findings related to content broadcast prior to the transfer (in 2011 and 2012), but was recorded against TV Novosti in our Broadcast Bulletin issued in 2015.

⁶ One of these was by RT Europe, now off-air.

⁷ https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf. We already had one open investigation relating to "audience tweets" in the Alex Salmond Show, which we have provisionally found were not from audience members.

Programme	Transmission Date	Categories
Sputnik	17/03/2018	Due impartiality
News	18/03/2018	Due impartiality
News	30/03/2018	Due impartiality
Worlds Apart with Oksana Boyko	01/04/2018	Due impartiality
Sputnik	07/04/2018	Due impartiality
Crosstalk	13/04/2018	Due impartiality
Crosstalk	16/04/2018	Due impartiality

11. Ofcom has a range of powers to deal with broadcasting non-compliance. Depending on the severity of the breach, we may publish a breach finding, we may require the licensee to broadcast a summary of Ofcom’s decision, and/or we may impose a financial penalty. Ultimately, we may decide that the licence should be revoked because the licensee is not fit and proper, on broadcasting compliance grounds. In determining the appropriate course of action, we have regard to the nature of the broadcaster, its past compliance, and the nature of the breach.
12. If a broadcaster is found not to be fit and proper to hold a particular licence, then under the relevant statutes Ofcom must revoke that licence. The broadcaster cannot broadcast again unless the reasons making it unfit have been fixed. This is a major interference with freedom of expression, as it prevents the broadcaster from broadcasting and restricts the number of voices being heard and the range of programming available to audiences. Ofcom considers that the threshold for finding a broadcaster not fit and proper to hold a broadcast licence is, therefore, high.

Non-broadcasting conduct

13. In considering whether a licensee is fit and proper, we may also look at non-broadcasting related conduct where we consider it relevant to the likely future conduct of the broadcast licensee and/or to public confidence in the broadcasting regime as a whole. We consider that the high threshold for determining that a person is not fit and proper applies particularly if the conduct is outside the broadcasting arena.
14. TV Novosti is financed by the Russian Federation.⁸ We consider that TV Novosti is therefore ultimately controlled by the Russian Federation.

⁸ See e.g. <https://www.rt.com/about-us/>; <https://www.rt.com/facts-vs-fiction/#fvf-item-19>; <https://www.rt.com/op-ed/318181-rt-budget-down-msm/>; <https://www.rt.com/op-ed/233147-media-rt-financing-myths-facts/>. It appears that this funding represents the vast majority of TV Novosti’s operating budget. In 2014, TV Novosti’s website says it received 11.87 billion roubles from the Russian Federation. Converted into sterling at the average monthly exchange rates for that year (sourced from www.xe.com), this represents an approximate budget of between £136 million and £214 million.

15. We note that there are a number of state funded broadcasters. Examples of state funded broadcasters in the UK include Abu Dhabi Media Company PJSC (Abu Dhabi), NHK Cosmomedia (Europe) Limited (Japan), Al Jazeera Media Network (Qatar), Pakistan Television Corporation Limited (Pakistan), PBS UK LLC (the USA), and also the BBC (UK), which is largely funded by the licence fee⁹ but is also partly directly funded by the British Government.
16. State-controlled broadcasting services, which are licensed by Ofcom, still have to comply with the Broadcasting Code. In considering compliance by such broadcasters, particularly those focused on UK audiences, we are alert to the need to guard against breaches of the rules on due impartiality and due accuracy in news.
17. We have previously considered circumstances in which a licensee controlled by individuals or corporations may cease to be fit and proper. Here, we have to consider a state-funded licensee. States have a unique range of activities, both domestically and internationally, that are undertaken within a legal and conventional framework that is intrinsically different from that which applies to individual and corporate licensees.
18. States whose services Ofcom has licensed vary greatly in the extent to which they accept and conduct themselves according to UK and generally accepted international values. States sometimes commit, or will have committed, acts which are contrary to these values. In our judgment, it would be inappropriate for Ofcom always to place decisive weight on such matters in determining whether state-funded broadcasters were fit and proper to hold broadcast licences, independently of their broadcasting record. If we did, many state-funded broadcasters (mostly those from states which may not share UK values) would be potentially not fit and proper. This would be a poorer outcome for UK audiences in light of our duties on plurality, diversity and freedom of expression.
19. On 4 March 2018, Sergei Skripal and his daughter Yulia were found unconscious in Salisbury after coming into contact with what police later identified as a nerve agent.
20. The UK Government said that this represented an unlawful use of force by the Russian State against the UK.¹⁰ The Russian Federation denies that it developed the nerve agent concerned and that it committed the attempted murder. The picture is still developing.
21. Ofcom is a broadcasting regulator. As such, on the material we have, it is not possible or appropriate for us to seek to reach an independent determination on the events in Salisbury.¹¹ In this particular case, in our view, the most appropriate way to consider whether TV Novosti is likely to act in a fit and proper way is to consider its broadcasting conduct and on this – as set out above – we are concerned about a number of potential breaches of the Broadcasting Code.

⁹ The BBC licence fee is classified in the UK's National Accounts as a tax.

¹⁰ [12 March 2018](#); [14 March 2018](#). On 12 April 2018, the Organisation for the Prohibition of Chemical Weapons confirmed the findings of the UK relating to the identity of the toxic chemical. https://www.opcw.org/fileadmin/OPCW/S_series/2018/en/s-1612-2018_e.pdf. We also note the letter published by the UK's National Security Adviser to the Secretary-General of NATO, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699819/Letter_from_the_UK_National_Security_Adviser_to_the_NATO_Secretary_General_regarding_the_Salisbury_incident.pdf.

¹¹ Ordinarily, in cases relating to serious criminal offences, we would await and/or rely on the outcome of a prosecution or judicial inquiry before proceeding.

22. We have today opened seven new investigations into the due impartiality of RT news and current affairs programmes. In accordance with our normal procedures, we will make the outcome of these investigations public as soon as possible. Until recently, TV Novosti's overall compliance record had not been materially out of line with other broadcasters. However, since the events in Salisbury, we have observed a significant increase in the number of programmes on the RT service that we consider warrant investigation as potential breaches of the Ofcom Broadcasting Code. In relation to our fit and proper duty, we will consider all relevant new evidence, including the outcome of these investigations and the future conduct of the licensee.

Annex 1: Statutory framework and Ofcom's approach to our fit and proper duty

1. Parliament has put in place a statutory scheme for the regulation of television and radio broadcasting in the United Kingdom and has given Ofcom the function of acting as the independent broadcast regulator.
2. A provider of any “relevant regulated television service” must hold a licence under the Broadcasting Act 1990 (the “**1990 Act**”) or the Broadcasting Act 1996 (the “**1996 Act**”) ¹². Depending on the type of television service, a provider may be licensed under either the 1990 Act or the 1996 Act. TV Novosti holds licences under each of these Acts.
3. Under s.3(3) of each of the 1990 Act and the 1996 Act, Ofcom:
 - a. shall not grant a licence to any person ¹³ unless satisfied that the person is a fit and proper person to hold it; and
 - b. shall do all that they can to secure that, if they cease to be so satisfied in the case of any person holding a licence, that person does not remain the holder of the licence.
4. Ofcom must carry out all our functions so as to further the interests of citizens in relation to communications matters and consumers in relevant markets. We are required to secure, in particular:
 - a. the availability throughout the United Kingdom of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests; and
 - b. the maintenance of a sufficient plurality of providers of different television and radio services; as well as
 - c. the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services.
5. In section 3(4)(g) of the Communications Act 2003 (the “**2003 Act**”), Parliament requires Ofcom, in performing its duties in relation to the application of standards to protect audiences against harmful and offensive material, and the public and others from unfair treatment and unwarranted infringements of privacy, to do so in the manner that best guarantees an appropriate level of freedom of expression.
6. As a public authority, pursuant to section 6 of the Human Rights Act 1998, it is unlawful for Ofcom to act in a way which is incompatible with Article 10 of the European Convention on Human Rights. Article 10 provides:

¹² Section 13(1) of the 1990 Act. A “relevant regulated television service” is a service regulated by Ofcom under s.211 of the Communications Act 2003.

¹³ A “person” may be any legal person, which would include an individual and a corporation. In this case, the licensee is the company TV Novosti.

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

7. As is well-established:
- a) Freedom of expression constitutes one of the essential foundations of a democratic society.¹⁴
 - b) It encompasses the broadcaster’s rights to freedom of expression as well as the audience’s right to receive information and ideas without interference.¹⁵
 - c) Article 10 applies not only to the content of information but also to the means of transmission or reception, since any restriction imposed on the means necessarily interferes with the right to receive and impart information.¹⁶
 - d) While subject to exceptions, the need for any restriction must be established convincingly.¹⁷ Any interference must be prescribed by law; pursue a legitimate aim; and be necessary in a democratic society (i.e. proportionate to the legitimate aim pursued and corresponding to a pressing social need).
8. Parliament has thus set out in the broadcasting legislation the restrictions prescribed by law and which it has judged to be necessary in our democratic society. This framework specifically incorporates an area of judgment, to be exercised by Ofcom as the expert regulator, as to how the requirements of the 1990, 1996 and 2003 Acts are to be applied to the facts of each case. In exercising its broadcasting regulatory function, its powers and duties, and its judgment, Ofcom complies, as it must, with the ECHR.
9. If a broadcaster is found not to be fit and proper to hold a particular licence, then under the relevant statutes Ofcom must revoke that licence. The broadcaster cannot broadcast again unless the reasons making it unfit have been fixed. This is a major interference with freedom of expression, as it prevents the broadcaster from broadcasting and restricts the number of voices being heard and the range of programming available to audiences. Ofcom considers that the threshold for finding a broadcaster not fit and proper to hold a broadcast licence is, therefore, high.

¹⁴ As set out, inter alia, in *Steel & Morris v UK* [2005] EMLR 15 at [87]; see also *Handyside v UK* (1976) 1 EHRR 737 at [49].

¹⁵ *Lingens v Austria* (1986) 8 EHRR 407 at [41].

¹⁶ *Autronic v Switzerland* (1990) 12 EHRR 485 at [47].

¹⁷ *Steel & Morris v UK* [2005] EMLR 15 at [87].

Ofcom's approach to our fit and proper duty

10. The main reason for broadcasting to be regulated is to protect audiences from harm. Broadcasters are required to comply with Ofcom's Broadcasting Code, which sets standards for the content that is broadcast. The Code covers a range of issues, including due accuracy in news and due impartiality on matters of political or industrial controversy and matters relating to current public policy. In setting and applying the Code, Ofcom has careful regard to all our duties, as explained above.
11. Broadcasters must also comply with specific rules that are set as a condition of holding a licence. These cover issues like retaining programme recordings after broadcast; having procedures in place to ensure compliance with the Broadcasting Code and other regulations; and obligations to inform Ofcom of new information that might affect eligibility to hold a broadcast licence, such as a change of ownership.
12. The Broadcasting Code and licence conditions are there to ensure responsible broadcasting. In judging whether someone is fit and proper to hold a broadcast licence, the central consideration is whether they can be expected to be a responsible broadcaster.
13. We look at broadcasting compliance: serious, repeated or ongoing breaches of standards may suggest a lack of fitness and properness.
14. We may also look at non-broadcasting related content where we consider it relevant to the likely future conduct of the broadcast licensee and/or to public confidence in the broadcasting regime as a whole.¹⁸
15. We consider that the high threshold for determining that a person is not fit and proper applies particularly if the conduct is outside the broadcasting arena.
16. As well as taking into account the broadcaster's own conduct, we can also consider the behaviour of people who exercise material influence or control over the broadcaster. The extent to which we do so will depend on their level of influence and on the circumstances such as the seriousness of the conduct.

¹⁸ *Harris v Registrar of Approved Driving Instructors* [2010] EWCA Civ 808.

Annex 2: TV Novosti's broadcasting compliance

Our approach to assessing broadcast-related behaviour

1. The main reason for broadcasting to be regulated is to protect audiences from harm. Broadcasters are required to comply with Ofcom's Broadcasting Code, which we set and enforce having regard to all our duties, including the right to freedom of expression and the importance of plurality and diversity.
2. The threshold for finding a broadcaster not fit and proper to hold a broadcast licence is high. The previous cases in which we have determined that a licensee is not fit and proper to hold a licence have involved the broadcast of hardcore pornography, which represents a serious risk to children, and the broadcast of material likely to incite terrorist crimes.
3. The regulatory regime provides Ofcom with a suite of possible actions in the event we find that a breach of the Broadcasting Code has occurred. Depending on the severity of the breach, we may publish a breach finding, we may require the licensee to broadcast a summary of Ofcom's decision, and/or we may impose a financial penalty. Ultimately we may decide that the licence should be revoked because the licensee is not fit and proper, on broadcasting compliance grounds. In determining the appropriate course of action, we have regard to the nature of the broadcaster, its past compliance, and the nature of the breach.
4. States typically finance television and radio services in order to present their national values. The UK's BBC World Service is part financed by the UK Foreign Office with that view. The World Service must provide high-quality news coverage, current affairs and factual programming to international audiences, firmly based on British values of accuracy, impartiality, and fairness.¹⁹ Other nations do not necessarily share these values. However, as long as these services abide by Ofcom's Broadcasting Code, including due impartiality and due accuracy in news, such broadcast services contribute to a wide range of broadcast services calculated to appeal to a variety of tastes and interests, and to the maintenance of a sufficient plurality of providers of different broadcast services in the UK.
5. Ofcom may be alerted to breaches of the Broadcasting Code as a result of complaints that we receive, through targeted monitoring of services, where a broadcaster itself alerts Ofcom to non-compliance, or from other sources.
6. We have monitored the RT service in the past as part of our overall monitoring programme and are doing so intensively following the events in Salisbury.

TV Novosti's broadcast compliance history

7. TV Novosti holds three broadcast licences issued by Ofcom. Two relate to the broadcast of the RT service and one to the RT Europe service.
8. RT is a service made for UK audiences, providing a Russian perspective on UK and global news and current affairs related programming. It broadcasts in English. TV Novosti's description of RT is that it "covers stories overlooked by the mainstream media, provides alternative perspectives on current affairs, and acquaints international audiences with a Russian viewpoint on major global events". RT has an average

¹⁹ Clause 33(2) of the Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation, December 2016.

audience of 3,400 viewers at any given point during the day and an average weekly reach of 1.06% of adults (540,000).²⁰

9. As set out in Figure 1 below, Ofcom has recorded 15 breaches against TV Novosti services since it acquired the first of its three licences in 2012.²¹

Figure 1 Breaches of the Broadcasting Code and Code on the scheduling of television advertising (COSTA) recorded against TV Novosti since 4 May 2012

Date of broadcast	Nature of issue	Outcome
2011 and 2012	Due impartiality/due accuracy	Breach
2012	Due impartiality	Breach
2012	Advertising minutage/COSTA	Breach
2012	Advertising minutage/COSTA	Breach
2013	Harm (violence/offensive language)	Breach
2013	Due impartiality	Breach
2014	Harm (violence/offensive language)	Breach
2014	Elections/referendums	Breach
2014	Due impartiality	Breach
2014	Material misleadingness	Breach/Direction
2014	Due impartiality	Breach
2014	Due impartiality	Breach/Direction
2014	Fairness	Breach
2015	<i>No breaches</i>	
2016	Due impartiality	Breach
2016	Due impartiality	Breach
2017	<i>No breaches</i>	
Total		15

Note: Advertising minutage/COSTA – breaches relating to amounts or scheduling of advertising shown; Harm (violence/offensive language) – breaches relating to content that included violence and/or offensive language that was not appropriately scheduled or otherwise justified by the context; Due impartiality/due accuracy – breaches relating to our rules regarding the requirement for news to be duly accurate and duly impartial and for discussions of matters of political controversy or current public policy to be duly impartial; Elections/referendums – breaches of the specific election rules contained in Section 6 of the Broadcasting Code; Material misleadingness – breaches relating to content that materially misled the audience so as to cause harm or offence; Fairness – breaches relating to unfair treatment of persons in programmes.

²⁰ Source: BARB. Adults (16+). 2017. Weekly reach (minimum 3 consecutive minutes). Figures rounded to 2 significant figures.

²¹ TV Novosti has held the licences from the following dates: TLCS 881 from 4 May 2012; TLCS 1686 from 16 August 2012 and DTPS 072 from 14 January 2013. 4 May 2012 was the date upon which that licence for RT was formally transferred to TV Novosti. Prior to this the licence was held by Information TV. The first of the 15 breach findings related to content broadcast prior to the transfer (in 2011 and 2012) but was recorded against TV Novosti in our Broadcast Bulletin issued in 2015.

10. Two of the earlier cases related to advertising minutage, a type of breach under the Code on the scheduling of television advertising which Ofcom generally regards as less serious than Broadcasting Code breaches.
11. One further case related to coverage of elections. Rule 6.4 of Ofcom's Broadcasting Code provides that "Discussion and analysis of election and referendum issues must finish when the poll opens." TV Novosti had broadcast a news item dealing with election issues, focusing on the success of UKIP, just after polling stations had opened in the UK for the 2014 European Parliamentary elections.²²
12. Eight of the cases involved breaches of the rules on due accuracy and/or impartiality and one was for materially misleading content.
13. In relation to the due impartiality breaches, Ofcom's Broadcasting Code sets out that the statutory requirement for "due impartiality" means that the impartiality must be adequate or appropriate to the subject and nature of the programme. "Due impartiality" is a context dependent concept and the approach to preserving it may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. In considering our approach to due impartiality, we have regard to matters such as the topic being covered – a matter of "major" political or industrial controversy, and "major" matters relating to current public policy, will engage the due impartiality rules to a greater degree than a more minor matter. The nature of the content is important: the requirements of due impartiality are highest for news. Other factual and current affairs programming is also likely to engage the impartiality requirements at a relatively higher level. The nature of the service on which it is broadcast is very important. Ofcom research shows that audiences expect more impartiality from news channels that are perceived to be aimed at a UK audience, like RT, than for channels with a global audience, and we regulate RT accordingly. "Due accuracy" and "material misleadingness" are also considered taking context into account.
14. In considering these cases, we took into account audience expectations, the context being that RT is a service made for UK audiences, providing a Russian perspective on UK and global news and current affairs related programming, broadcasting in English. While RT's audiences do expect to see a Russian take on the news and current affairs topics it covers, our approach requires RT to preserve due accuracy and impartiality to a similar level as other UK-focused channels.
15. Where RT's compliance function has failed previously, it has tended to be in matters relating to Russia's foreign policy. We note that the largest number of the breaches, and both of the more serious breaches, took place in 2014. There were no breaches in 2015. The two breaches that took place in 2016 were less serious.
16. The breaches related to programmes about Libya (2011, 2012), Syria (2012, 2013 and 2014), Ukraine (2014), Turkey (2016) and NATO (2016).²³ For two of the 2014 breaches recorded against RT, Ofcom found that the breach was of such a serious nature that it directed the licence holder to broadcast a summary of Ofcom's decisions, as an appropriate measure to have a deterrent effect against future misconduct. Both

²² TV Novosti itself alerted Ofcom to this "inadvertent" breach and apologised for it.

²³ One of these was by RT Europe, now off-air.

breaches related to content broadcast as part of an investigative current affairs programme called 'The Truthseeker'²⁴ which is no longer broadcast.

17. The first of these serious breaches related to a programme entitled 'Genocide of Eastern Europe' broadcast on RT Europe on 13 and 14 July 2014 which concerned the policies and actions of the Ukrainian Government towards the population of eastern Ukraine.²⁵ It alleged that the Ukrainian Government was committing atrocities and attempting to commit genocide, and made numerous comparisons of the Ukrainian Government and its military forces to Hitler and Nazi Germany. It contained one reference to the Ukrainian Government's viewpoint regarding these allegations in a caption that was broadcast for approximately six seconds, as one of 37 captions shown alongside a news ticker and the programme's other content.
18. Ofcom concluded that the programme was a current affairs programme which dealt with matters of political controversy, and TV Novosti's failure to maintain due impartiality represented a serious breach of the Broadcasting Code. We considered that the most appropriate action was to ensure that this serious breach was brought to the attention of the licensee's audiences and we directed TV Novosti to read out a summary of Ofcom's decision on the RT service.
19. The second of the serious breaches related to a programme entitled 'Media 'Staged' Syria Chem Attack', which was broadcast on a number of occasions on 23 and 24 March 2014.²⁶ The programme alleged that a "massive public investigation" had found that the BBC had faked footage of a chemical weapons attack in Syria. Ofcom noted that reference to a "massive public investigation" in fact described allegations made by a member of the public, to which the BBC had made detailed responses, and some online articles which had not been investigated. This was not explained in the programme. We therefore considered that the statement that there had been a "massive public investigation" which had made "some extremely disturbing findings" was materially misleading to RT's audiences. Ofcom concluded that this was a serious breach of the Broadcasting Code. As with the first breach above, we considered that the most appropriate action was to ensure that this serious breach was brought to the attention of the licensee's audiences and we directed TV Novosti to read out a summary of Ofcom's decision on the RT service.
20. In relation to the other due impartiality/accuracy breaches, Ofcom considered the recording of the breach finding with no further action to be appropriate. Both the breaches that took place in 2016, after the cases that had led to directions, were less serious. In one, an attempt to comply with the Code had been made. The other involved errors that were acknowledged by the licensee and it apologised.
21. There were no breaches in 2017. However, we have now opened a number of investigations. One of these relates to "audience tweets" in the Alex Salmond Show, which we have provisionally found were not from audience members.
22. Since the Government's announcement of 14 March 2018, we have observed an increase in the number of programmes broadcast that we consider warrant investigation as potential breaches of the Broadcasting Code in relation to the requirement for due impartiality. We have opened seven new investigations and will be

²⁴ 'The Truthseeker' was a series of 13 minute programmes, produced in-house. TV Novosti said that Truthseeker was "designed to cover news-related events in a non-news format with a focus on topics that were inadequately covered by mainstream media".

²⁵ Ofcom Broadcast Bulletin, Issue 288, September 2015.

²⁶ Ofcom Broadcast Bulletin, Issue 288, September 2015.

conducting these as quickly as possible, consistently with fair process.²⁷ As set out above, we have a range of powers to deal with broadcasting non-compliance.

Comparison with other broadcasters

23. By way of comparison, we have also considered the compliance record of other state funded broadcasters: Abu Dhabi Media Company PJSC (Abu Dhabi), NHK Cosmomedia (Europe) Limited (Japan), and Pakistan Television Corporation Limited (Pakistan). However the context is different. Not all broadcast news and current affairs. Most of them are not in English, they broadcast to very small audiences, and are not targeted at UK viewers.
24. Al Jazeera English is a news and current affairs channel, which is state funded, and which broadcasts to a Western English-speaking audience. During the period since 4 May 2012, Ofcom has recorded one breach against Al Jazeera English, which related to sponsorship credits.
25. We also looked at other news and current affairs channels over the same period, such as CNN, Sky News and Channel 4 News, recognising that none of these is a direct comparator for RT. In particular, Channel 4 News is a programme within the Channel 4 service (and therefore does not broadcast for nearly as many hours as RT and the other services).
26. CNN and CNN International between them accounted for three breaches, one relating to sponsorship, one to due impartiality and one to harm and offence that was not appropriately scheduled or otherwise justified by the context. We note that the sponsorship case in fact related to 26 different programmes.
27. We recorded 10 breaches against the Sky News service. Six of these related to various kinds of harm and offence – five related to violence or offensive language not justified by the context and one to flashing images (dangerous for those with photosensitive epilepsy). One related to elections and referendums.
28. In the same period, we recorded five breaches against Channel 4 News. Four related to due accuracy and one to fairness. In relation to one breach concerning a serious inaccuracy in Channel 4 News, Ofcom directed the licensee to broadcast a summary of Ofcom's decision.²⁸
29. Until recently, TV Novosti's overall compliance record had not been materially out of line with other broadcasters. There has been a total of 15 breaches over the period since 4 May 2012, which compared to other broadcasters of this type is not an unusually high number. However, as set out above, we have eight further open investigations into TV Novosti's programming.

²⁷ https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

²⁸ Ofcom Broadcast Bulletin, Issue 336, September 2017.